FEDERAL REGISTER

VOLUME 18 NUMBER 150

Washington, Saturday, August 1, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10474

THE HONORABLE ROBERT A. TAFT

As a mark of respect to the memory of the Honorable Robert A. Taft, late Majority Leader and Member of the Senate of the United States, it is hereby ordered that the flags on the White House and Federal Government buildings in the District of Columbia and the State of Ohio be placed at half staff until interment.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 31, 1953.

[F. R. Doc. 53-6811; Filed, July 31, 1953; 12:54 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.310 *Department of the Interior.*
* * *

(d) *Bureau of Mines.* * * *

(3) One Assistant Director (Programming)

(4) One Assistant Director (Health and Safety)

(5) One Assistant Director (Mining Engineering).

(6) One Special Assistant to the Director.

(7) One Assistant to the Director.

(8) One Chief Economist.

(9) One Chief Fuels Technologist.

(10) One Chief Metallurgist.

(11) One Chief Mining Engineer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-6752; Filed, July 31, 1953; 8:51 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 103.190]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

PAYMENT OF DIFFERENTIAL AND DESIGNATION OF DIFFERENTIAL POSTS

The following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

1. Section 325.5 (c) (1) (18 F. R. 2817) is amended to read as follows, effective the beginning of the first pay period following June 6, 1953:

(1) During leave with pay, unrelated to transfer orders, including transit time for such leave, except as otherwise provided in subparagraph (2) of this paragraph;

2. Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

a. Effective as of the beginning of the first pay period following August 1, 1953, paragraph (a) is amended by the deletion of the following post:

Babolsar, Iran.

b. Effective as of the beginning of the first pay period following August 1, 1953, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Vicosa and Vitoria.

Iran, all posts except Babolsar, Kerman, Kermanshah, Meshed and Tabriz.

c. Effective as of the beginning of the first pay period following August 1, 1953, paragraph (c) is amended by the deletion of the following post:

Vitoria, Brazil.

d. Effective as of the beginning of the first pay period following August 1, 1953, paragraph (a) is amended by the addition of the following post:

Sabana de la Mar, Dominican Republic.

(Continued on p. 4511)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

e. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (b) is amended by the addition of the following post:

Cuenca, Ecuador.

f. Effective as of the beginning of the first pay period following August 1, 1953, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

Iran, all posts except Kerman, Kermanshah, Meshed and Tabriz.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,
Under Secretary for Administration.

JULY 23, 1953.

[F. R. Doc. 53-6755; Filed, July 31, 1953; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6031]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MME. C. J. WALKER MANUFACTURING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § *3.170 Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondents' products designated "Madam C. J. Walker's Wonderful Hair and Scalp Preparation", "Madam C. J. Walker's Wonderful Scalp Ointment (also known as Double-Strength Scalp Ointment and Tetter Salve)", and "Madam C. J. Walker's Wonderful Temple Salve" or of any other product or products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication: (a) That any of said preparations will improve the health of the scalp, or be of any therapeutic value in relieving the condition of short, thin, or brittle hair, or prevent hair from falling; (b) that any of said preparations is a competent or effective treatment for dandruff or tetter, or that it will be of any value in the treatment of dandruff, tetter, or an itching scalp in excess of temporarily relieving the itching or dissolving loose dandruff flakes so that they may be removed; or (c) that the use of any of said preparations accompanied by the massage of the temple areas, or otherwise, will stop hair from falling out or make the hair soft and silky with long-lasting texture and lustre; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Mme. C. J. Walker Manufacturing Company, Inc., et al., Indianapolis, Ind., Docket 6031, June 30, 1953]

In the Matter of Mme. C. J. Walker Manufacturing Company, Inc., a Corporation, and A'Lelia R. Nelson, Violet D. Reynolds, and Marie Overstreet, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on August 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents, Mme. C. J. Walker Manufacturing Company, Inc., a corporation, and A'Lelia R. Nelson, Violet D. Reynolds, and Marie Overstreet, individually and as officers of said corporation, charging them with unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing of respondents' answer to the complaint, hearings were held at which testimony and other evidence in support of the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it (no evidence being offered for or on behalf of the respondents) and such testimony and other evidence were duly filed and recorded in the office of the Commission. Thereafter, the proceeding came on for consideration by the hearing examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by respective counsel, and said hearing examiner, on December 10, 1952, filed his initial decision.

The Commission, having reason to believe that said initial decision did not constitute an adequate disposition of this matter, subsequently placed this case on its own docket for review, and on May 4, 1953, it issued, and thereafter served upon the parties, its order setting time within which objections to a tentative decision of the Commission attached to said order, and reply thereto, might be filed. No objections having been filed within the time permitted, the proceeding regularly came on for final consideration by the Commission upon the record herein on review and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents Mme. C. J. Walker Manufacturing Company, Inc., a corporation, and its officers, and A'Lelia R. Nelson, Violet D. Reynolds, and Marie Overstreet, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of their products designated as Madam C. J. Walker's Wonderful Hair and Scalp Preparation, Madam C. J. Walker's Wonderful Scalp Ointment (also known as Double-Strength Scalp Ointment and Tetter Salve), and Madam C. J. Walker's Wonderful Temple Salve, or of any other product or products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or any other names, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertise-

[1] Filed as part of the original document.

ment which represents, directly or by implication:

(a) That any of said preparations will improve the health of the scalp, or be of any therapeutic value in relieving the condition of short, thin, or brittle hair, or prevent hair from falling;

(b) That any of said preparations is a competent or effective treatment for dandruff or tetter, or that it will be of any value in the treatment of dandruff, tetter, or an itching scalp in excess of temporarily relieving the itching or dissolving loose dandruff flakes so that they may be removed; or

(c) That the use of any of said preparations accompanied by the massage of the temple areas, or otherwise, will stop hair from falling out or make the hair soft and silky with long-lasting texture and lustre.

2. Disseminating, or causing the dissemination of, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

(F. R. Doc. 53-6748; Filed, July 31, 1953; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

U. S. STANDARDS FOR GRADES OF CANNED FRUIT COCKTAIL [1]

On May 7, 1953 a notice of proposed rule making was published in the FEDERAL REGISTER (18 F R. 2650) regarding a proposed revision of the United States Standards for Grades of Canned Fruit Cocktail. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Fruit Cocktail are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.)

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for canned fruit cocktail is about to begin;

(2) The industry had been properly apprised through rule making of the revisions;

(3) No additional preparation on the part of the industry is required;

(4) The revisions create no hardships; therefore, the effective date of the standards issued will be fifteen (15) days after the date of publication in the FEDERAL REGISTER.

§ 52.318 *Canned fruit cocktail.* "Canned fruit cocktail" means the food prepared from the mixture of fruit ingredients of peaches, pears, grapes, pineapple, and cherries as defined in the standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail (21 CFR 27.40) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Grades of canned fruit cocktail.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned fruit cocktail that is practically free from defects; that possesses a good character; that possesses a normal flavor and odor; and that is of such quality with respect to clearness of liquid media, color, and uniformity of size as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned fruit cocktail that possesses a fairly clear liquid media; that is reasonably uniform in size; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and that is of such quality with respect to color as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned fruit cocktail that fails to meet the requirements of U. S. Grade B or U. S. Choice and is the quality of canned fruit cocktail that may or may not meet the minimum standard of quality for canned fruit cocktail issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Proportion of fruit ingredients.* Canned fruit cocktail shall contain the fruit ingredients in the proportions indicated in Table I.

TABLE I

Fruit ingredient	Style	Proportions	
		Not less than—	Not more than—
Peaches (any yellow variety)	Diced	30 percent by weight of drained fruit.	50 percent by weight of drained fruit.
Pears (any variety)	Diced	25 percent by weight of drained fruit.	45 percent by weight of drained fruit.
Grapes (any seedless variety)	Whole	6 percent by weight of drained fruit.	20 percent by weight of drained fruit.
Pineapple (any variety)	Diced or sectors	6 percent by weight of drained fruit; but not less than 2 sectors or 3 dice for each 4½ ounces avoirdupois of product and each fraction thereof greater than 2 ounces.	16 percent by weight of drained fruit.
Cherries (any light, sweet variety) or (artificially colored red) or (artificially colored red and artificially flavored).	Approximate halves	2 percent by weight of drained fruit; but not less than 1 approximate half for each 4½ ounces avoirdupois of product and each fraction thereof greater than 2 ounces.	6 percent by weight of drained fruit.

(c) *Liquid media and Brix measurements for canned fruit cocktail.* "Cut-out" requirements for liquid media in canned fruit cocktail are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "out-out" Brix measurement, as applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy fruit juice sirup"	22° or more but not more than 35°
"Heavy sirup" or "Heavy fruit juice sirup"	18° or more but less than 22°
"Light sirup" or "Light fruit juice sirup"	14° or more but less than 18°
"In water"	Packed in water.
"In fruit juice"	Packed in fruit juice.

(d) *Fill of container for canned fruit cocktail.* (1) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container. Canned fruit cocktail that does not meet this requirement is "Below Standard in Fill."

(2) Such total weight of drained fruit is determined by the following method: Tilt the open container so as to distribute the contents evenly over the meshes of a circular sieve which has been

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate the drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(3) The total weight of drained fruit, also termed "drained weight," shall be not less than that shown for the respective size of containers in Table II.

TABLE II

[Minimum drained weight for canned fruit cocktail]

Container designation (metal, unless otherwise stated)	Container size			Capacity—weight H_2O at 68° F.	Minimum drained weight (65 percent capacity)
	Overall width	Dimensions, height	Overflow capacity		
	Inches	*Inches*	*Fluid ounces*	*Avdp. ounces*	*Ounces*
8 Z tall	2 1/16	3 1/16	-------	8.65	5.63
8-oz. glass	-------	-------	8.2	8.50	5.53
No. 300	3	4 7/16	-------	15.20	9.88
No. 1 tall	3 1/16	4 11/16	-------	16.60	10.79
No. 303	3 3/16	4 5/16	-------	16.85	10.96
303 glass	-------	-------	17.0	17.70	11.51
No. 2	3 7/16	4 3/16	-------	20.50	13.33
No. 2 1/2	4 1/16	4 11/16	-------	29.75	19.34
No. 2 1/2 glass	-------	-------	28.35	29.50	19.18
No. 10	6 3/16	7	-------	109.45	71.15

(e) *Ascertaining the grade:* (1) The grade of canned fruit cocktail is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of clearness of liquid media, color, uniformity of size, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Clearness of liquid media	20
(ii) Color	20
(iii) Uniformity of size	20
(iv) Absence of defects	20
(v) Character	20
Total score	100

(3) "Normal flavor and odor" means that the canned fruit cocktail is free from objectionable flavors and objectionable odors of any kind.

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points)

(1) *Clearness of liquid media.* (i) Canned fruit cocktail that possesses a reasonably clear liquid media may be given a score of 17 to 20 points. "Reasonably clear liquid media" means that the liquid drained from the fruit cocktail is reasonably bright in color without any tinge of pink color or dullness of color and may contain fine fruit particles which do not materially affect the appearance of the product.

(ii) If the canned fruit cocktail possesses a fairly clear liquid media, a score of 14 to 16 points may be given. "Fairly clear liquid media" means that the liquid drained from the fruit cocktail may be slightly pink or slightly dull in color but is not off color for any reason and may contain fruit particles which materially affect, but do not seriously affect, the appearance of the product.

(iii) Canned fruit cocktail that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Color.* The factor of color refers to the general brightness and uniformity of color typical of each of the fruit ingredients; the degree of freedom from staining from artificially colored cherries, if present; and the dullness or off color in any single fruit ingredient.

(i) Canned fruit cocktail that possesses a good color may given a score of 17 to 20 points. "Good color" means that each fruit ingredient possesses a practically uniform typical color that is bright and characteristic of at least reasonably well-matured fruit that has been properly prepared and processed; that any of the fruit ingredients may be no more than slightly affected by pink staining; and that none of the fruit ingredients are dull or off color for reasons other than being slightly affected by pink staining.

(ii) If the canned fruit cocktail possesses a reasonably good color, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification because of staining or dullness of color shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule) "Reasonably good color" means that each fruit ingredient possesses a reasonably uniform typical color that is reasonably bright and characteristic of at least fairly well-matured fruit that has been properly prepared and processed; and that any of the fruit ingredients may be more than slightly affected by pink staining but not to the extent that the appearance is materially affected by this cause or may be slightly dull in color but none of the fruit ingredients are off color for reasons other than staining or dullness within these limits.

(iii) Canned fruit cocktail that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Uniformity of size.* The factor of uniformity of size refers to the uniformity of size of intact halves of cherries and whole grapes and to the degree of deviation from the dimensions for diced units of peaches, pears, and pineapple or for sectors of pineapple, which dimensions approximate the following:

(i) Diced units are not more than 3/4 inch in greatest edge dimension and will not pass through the meshes of a sieve designated as 5/16 inch in Table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce;

(ii) Sectors of pineapple: The length of the outside arc is not more than 3/4 inch but is more than 3/8 inch; the thickness is not more than 1/2 inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to outside arc) is not more than 1 1/4 inch but is more than 3/4 inch.

(iii) Canned fruit cocktail in which each of the fruit ingredients are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that not more than 10 percent by weight of the peach units, of the pear units, or of the pineapple units if diced may fail to conform to the dimensions for diced units; that not more than 10 percent by weight of the pineapple units if in sectors may fail to conform to the dimensions for sectors of pineapple; that the largest whole grape does not weigh more than three times the weight of the smallest whole grape; and that the longest dimension on the cut surface of the largest intact cherry half does not exceed the longest dimension on the cut surface of the smallest intact cherry half by more than 33 1/3 percent.

(iv) If the canned fruit cocktail possesses fruit ingredients that are reasonably uniform in size, a score of 14 to 16 points may be given. Canned fruit cocktail in which more than 15 percent by weight of the peach units, of the pear units, or of the pineapple units if diced fail to conform to the dimensions for diced units and in which more than 15 percent by weight of the pineapple units if in sectors fail to conform to the dimensions for sectors of pineapple shall not be graded above U. S. Grade B (or U. S. Choice) regardless of the total score for the product (this is a partial limiting rule) "Reasonably uniform in size" means that not more than 20 percent by weight of the peach units, of the pear units, or of the pineapple units if diced may fail to conform to the dimensions for diced units; that not more than 20 percent by weight of the pineapple units if in sectors may fail to conform to the dimensions for sectors of pineapple; that the largest whole grape does not weigh more than four times the weight of the smallest whole grape; and that the longest dimension on the cut surface of the largest intact cherry half does not exceed the longest dimension on the cut surface of the smallest intact cherry half by more than 50 percent.

(v) Canned fruit cocktail which fails to meet the requirements of subdivision (iv) of this subparagraph shall be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and if the canned fruit

cocktail fails to meet the requirements of subdivision (iv) of this subparagraph only because of the deviations from the dimensions of diced units of peaches, pears, or pineapple or of sectors of pineapple, the canned fruit cocktail is also:

Below Standard in Quality
Good Food—Not High Grade

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from peach and pear peel; from pits or portions thereof; from capstems; from crushed or broken grapes; from broken cherry halves; from unevenly colored cherry halves; from blemished units; and from any other defects which detract from the appearance or edibility of the product.

(i) "Harmless extraneous material" means any vegetable substance not specifically mentioned herein as a defect that is harmless.

(ii) A "pit or portion thereof" means any whole pit or piece of pit material, regardless of size.

(iii) A "capstem" means a small woody stem which attaches a grape to the branch of a bunch of grapes. Capstems are considered as defects whether or not attached to a grape.

(iv) A "crushed or broken grape" means a grape that is severely crushed so as to destroy its shape or that is severed into two separate parts. Portions or fragments of grapes that are the equivalent of one grape are considered as a grape in ascertaining compliance with percentages by count of grapes.

(v) A "broken cherry half" means any portion of a cherry that is definitely less than an apparent half or a definitely mutilated cherry half.

(vi) An "unevenly colored cherry half" means, if the cherry halves are artificially colored, that the color in the cherry half is other than evenly distributed in the unit or other than uniform with the color of the other cherry halves.

(vii) "Blemished" in the case of the peach, pear, grape, or cherry ingredients means blemished with scab, hail injury, scar tissue, objectionable pear seed cell material, objectionable portions of interior pear stems, or other abnormality which materially affects the appearance of the unit; and in the case of the pineapple ingredient means any blemish or combination of blemishes on a unit which materially affects the appearance or edibility of the unit and includes, but is not limited to, any fruit eye or portion thereof which on the exposed portion exceeds the area of a circle 1/16 inch in diameter, brown spots, pieces of shell, bruised portions, or other similar blemishes.

(viii) Canned fruit cocktail that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the product is practically free from harmless extraneous material, from pits or portions thereof, from the presence of peel, from loose capstems, and from any other defects not specifically mentioned that more than slightly affect the appearance or edibility of the product; and that, in addition, not more than the following defective units, as applicable for the ingredient, may be present:

(*a*) *Peach.* 5 percent by weight of the peach units may be blemished;

(*b*) *Pear* 5 percent by weight of the pear units may be blemished;

(*c*) *Pineapple.* 5 percent by count of the pineapple units may be blemished;

(*d*) *Grape.* 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may be blemished; 5 percent by count of the grapes in a container containing 20 grapes or more, and 1 grape in a container containing less than 20 grapes may be crushed or broken; and 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may have the capstem attached.

(*e*) *Cherry.* 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be blemished; 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be a broken cherry half; and 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be unevenly colored: *Provided,* That in all containers comprising the sample such blemished cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves; such broken cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves; and such unevenly colored cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves.

(ix) If the canned fruit cocktail is reasonably free from defects, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that the product is practically free from harmless extraneous material and from pits or portions thereof; that the product is reasonably free from loose capstems and from any other defects not specifically mentioned that materially affect the appearance or edibility of the product; that not more than 1/4 square inch of peach peel or of pear peel for each pound of net contents may be present; and that, in addition, not more than the following defective units, as applicable for the ingredient, may be present:

(*a*) *Peach.* 10 percent by weight of the peach units may be blemished;

(*b*) *Pear* 10 percent by weight of the pear units may be blemished;

(*c*) *Pineapple.* 12½ percent by count of the pineapple units may be blemished;

(*d*) *Grape.* 20 percent by count of the grapes may be blemished; 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may be crushed or broken; and 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may have the capstem attached.

(*e*) *Cherry.* 15 percent by count of the cherry halves may be blemished; 15 percent by count of the cherry halves in a container containing more than 6 cherry halves, and 1 cherry half in a container containing 6 cherry halves or less may be a broken cherry half; and 15 percent by count of the cherry halves in a container containing more than 6 cherry halves, and 1 cherry half in a container containing 6 cherry halves or less may be unevenly colored.

(x) Canned fruit cocktail that fails to meet any of the requirements of subdivision (ix) of this subparagraph shall be given a score of 0 to 13 points; shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may or may not be:

Below Standard in Quality
Good Food—Not High Grade

(5) *Character* The factor of character refers to the texture and tenderness for the fruit ingredients as prepared and processed for canned fruit cocktail.

(i) Canned fruit cocktail that possesses a good character may be given a score of 17 to 20 points. "Good character" means that each fruit ingredient is reasonably uniform in texture and tenderness with no more than slight disintegration and that the individual fruit ingredients meet the following requirements:

(*a*) *Peach.* The texture is typical of diced peaches prepared and processed from at least reasonably well-matured fruit and the units may range in tenderness from slightly firm to slightly soft but possess fairly well-defined edges.

(*b*) *Pear* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of moderate graininess and the units may range in tenderness from slightly firm to slightly soft and may have slightly rounded edges.

(*c*) *Pineapple.* The units are practically uniform in ripeness with fruitlets of compact structure, are reasonably free from porosity, and are practically free from hard core material.

(*d*) *Grape.* The units are reasonably plump and reasonably firm.

(*e*) *Cherry.* The units are reasonably firm.

(ii) If the canned fruit cocktail possesses a reasonably good character, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably good character" means that each fruit ingredient may range from a firm to soft texture without serious disintegration and that the individual fruit ingredients meet the following requirements:

(*a*) *Peach.* The texture is typical of diced peaches prepared and processed from at least fairly well-matured fruit

and the units may range in tenderness from firm to soft and may possess frayed edges.

(b) *Pear.* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of marked graininess and the units may be lacking in uniformity of tenderness ranging from markedly firm to soft with rounded edges.

(c) *Pineapple.* The units are reasonably uniform in ripeness with fruitlets of reasonably compact structure, are fairly free from porosity, and are reasonably free from hard core material.

(d) *Grape.* The units may be variable in texture from firm to soft but not mushy or excessively flabby.

(e) *Cherry.* The units may be fairly firm to soft but not excessively flabby.

(iii) If the canned fruit cocktail fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned fruit cocktail the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification

(h) *Score sheet for canned fruit cocktail.*

Size and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Vacuum (inches)	----
Drained weight (ounces):	
( ) Meets fill of container	----
( ) Fails fill of container	----
Brix measurement	----
Sirup designation (extra heavy, heavy, etc.)	----
Proportions of fruit ingredients:	
Peach: -- ozs. --- % ( ) Meets ( ) Fails	----
Pear: -- ozs. --- % ( ) Meets ( ) Fails	----
Pineapple: -- ozs. --- % ( ) Meets ( ) Fails	----
Grape: -- ozs. --- % ( ) Meets ( ) Fails	----
Cherry: -- ozs. --- % ( ) Meets ( ) Fails	----
Total --- ozs. 100 %	
Count:	
Pineapple ( ) Sectors ( ) Diced	----
Cherry halves	----

Factors	Score points	
I. Clearness of liquid media	20	(A) 17-20; (B) 14-16; (SStd) [1] 0-13
II. Color	20	(A) 17-20; (B) [2] 14-16; (SStd) [1] 0-13
III. Uniformity of size	20	(A) 17-20; (B) [2] 14-16; (SStd) [1] 0-13
IV. Absence of defects	20	(A) 17-20; (B) [2] 14-16; (SStd) [1] 0-13
V. Character	20	(A) 17-20; (B) [2] 14-16; (SStd) [1] 0-13
Total score	100	
Normal flavor and odor		----
Grade		----

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Effective time and supersedure. The revised United States Standards for Grades of Canned Fruit Cocktail (which is the second issue) contained in this section will become effective fifteen (15) days after date of publication in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Fruit Cocktail which have been in effect since February 1, 1941.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 29th day of July 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-6757; Filed, July 31, 1953; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 496]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.603 *Lemon Regulation 496*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 29, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 2, 1953, and ending at 12:01 a. m., P. s. t., August 9, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 425 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 495 (18 F. R. 4374) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of July 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-6788; Filed, July 31, 1953; 8:45 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES; SURPLUS TONNAGE

Notice was published in the July 15, 1953, issue of the FEDERAL REGISTER (18 F R. 4143) that the Secretary of Agriculture was considering a proposed rule to approve a further amendment, submitted by the Prune Administrative Committee, of § 993.161 (a) (1) and (2) of the amended administrative rules and procedures issued pursuant to the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1952 Rev., Part 993) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all relevant data, it is concluded that the proposed further amendment of the amended administrative rules and procedures as set forth in the aforesaid notice should be approved.

Therefore, it is hereby ordered, That § 993.161 (a) (1) and (2) of the aforesaid amended administrative rules and procedures are further amended to read as follows:

§ 993.161 *Surplus tonnage*—(a) *Reports*—(1) *Reports on substandard prunes held separate from other prunes which are to be delivered to the committee.* Upon request of the committee, a handler shall file with the committee, within 10 calendar days thereafter, a certified report on Form PAC 4.1, "Substandard Prunes Held Separate from Other Prunes by Handler for Delivery to the Prune Administrative Committee," containing the following information as of the date specified by the committee in its request: (i) The date and name and address of the handler (ii) the effective date of the report; and (iii) the tonnages of substandard prunes physically held separately from other prunes by the handler, ready for delivery to the committee as of that date, itemized by plants, together with the locations of the plants.

(2) *Cumulative reports on all surplus tonnage, standard and substandard.* Upon request of the committee, a handler shall file with the committee, within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter, a certified report on Form PAC 5.1, "Handler's Cumulative Report of Surplus Tonnage," containing the following information, as of the date specified by the committee in its request, in respect to prunes received, held, processed, disposed of, or shipped by him during the crop year: (i) The date and the period of report; (ii) the name and address of the handler (iii) the total cumulative net weight of surplus tonnage received during the crop year through the date specified by the committee in its request, segregated as to standard prunes and substandard prunes, and the total cumulative net weight of surplus prunes, segregated as to standard prunes and substandard prunes, removed from his premises, during the crop year through such specified date; (iv) the net weight of surplus standard prunes physically held by the handler, by sizes, if graded; and (v) the net weight of surplus substandard prunes physically held by the handler.

It is hereby found that good cause exists for not postponing the effective date of this further amendment of the amended administrative rules and procedures later than August 1, 1953, instead of waiting 30 days after the date of publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because: (1) A new crop year under the aforesaid marketing agreement and order begins August 1, 1953, and it is desirable that the said further amendment become effective on that date; (2) handlers generally are aware of the recommendation of the Prune Administrative Committee with respect to the said further amendment; and (3) no additional advance notice is needed by handlers to prepare for compliance with the provisions of the further amendment, particularly, since it is designed to decrease, rather than increase, their present reporting obligations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of July 1953, to be effective on and after August 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6745; Filed, July 31, 1953; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

STATEMENT OF FINANCIAL CONDITION TO BE FILED BY BROKERS OR DEALERS WITH APPLICATION FOR REGISTRATION ON FORM 3-M

Purpose of rule. On June 16, 1953, the Commission announced that it had under consideration the adoption of a rule, to be known as § 240.15b-8 (Rule X-15B-8) to require every broker or dealer filing an application for registration on Form 3-M (17 CFR 249.503) to file with such application a statement of financial condition disclosing his assets, liabilities and net worth as of a date within 30 days of the date on which the statement is filed, the statement to contain an oath or affirmation by a designated person that it is true and correct. The Commission has determined to adopt the rule in the form stated below.

The Commission has a rule known as § 240.17a-5 (Rule X-17A-5), which requires brokers and dealers to file a report of financial condition during each calendar year. However, prior to the adoption of Rule X-15-B-8 there was no requirement that a broker or dealer furnish information disclosing his financial condition at or about the time his registration becomes effective. The purpose of this new rule is to make this information available to prospective customers, who may want to know something about the financial responsibility of a new broker or dealer before they do business with him, and to the Commission, which is charged with the responsibility for enforcing the federal securities laws. The rule does not establish any capital requirements as a condition precedent to registration, nor does it modify such requirements applicable to brokers or dealers already registered.

The Commission has considered all of the comments and suggestions received and has included in the rule provisions that all securities in which the broker or dealer has an interest shall be listed in a separate schedule and valued at the market, and that the schedule of securities shall be deemed confidential if it is bound separately from the balance of the statement.

The new rule does not apply to a broker or dealer whose application for registration is already effective or becomes effective on or before September 1, 1953. However, a broker or dealer whose application for registration on Form 3-M is pending on September 1, 1953, the effective date of the rule, must file such a statement on or before October 1, 1953. The annual report of financial condition required by Rule X-17A-5 will also have to be filed by brokers and dealers subject to Rule X-15B-8.

Statutory basis. Section 240.15b-8 (Rule X-15B-8) is adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (b) 15 (b) and 23 (a) thereof, the Commission deeming the action taken to be necessary in the public interest, for the protection of investors, and for the execution of the functions vested in the Commission under the act.

Text of the rule. The text of Rule X-15B-8 is as follows:

§ 240.15b-8 *Statement of financial condition to be filed by brokers or dealers with application for registration on Form 3-M.* (a) Every broker or dealer who files an application for registration on Form 3-M (§ 249.503 of this chapter) on or after the effective date of this section shall file with such application a statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer (securities of such broker or dealer or in which such broker or dealer has an interest shall be listed in a separate schedule and valued at the market) as of a date within 30 days of the date on which such statement is filed. Attached to such statement shall be an oath or affirmation that such statement is true and correct to the best knowledge and belief of the person making such oath or affirmation. The oath or affirmation

shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietor, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; if a corporation, by a duly authorized officer.

(b) The schedule of securities furnished as a part of such statement of financial condition shall be deemed confidential if bound separately from the balance of such statement, except that it shall be available for official use by any official or employee of the United States or any state, by national securities exchanges and national securities associations of which the person filing such statement is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this paragraph shall be deemed to be in derogation of the rules of any national securities association or national securities exchange which give to customers of a member, broker or dealer the right, upon request to such member, broker or dealer, to obtain information relative to his financial condition.

(c) Every broker or dealer who has filed an application for registration on Form 3–M which is not effective on the effective date of this section shall file such statement of financial condition within 30 days after the section becomes effective.

(d) The statement of financial condition required by this section shall constitute a document supplemental to such application for registration within the meaning of section 15 (b) of the act.

The foregoing shall become effective September 1, 1953.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 15, 48 Stat. 882, 895; 15 U. S. C. 78c, 78o)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JULY 30, 1953.

[F. R. Doc. 53–6773; Filed, July 31, 1953; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53303]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CHECKS RECEIVABLE FOR DUTIES

Under § 24.1 of the Customs Regulations of 1943, as amended, the acceptance of bank drafts, cashiers' checks, and uncertified checks in payment of duties or charges due the Government has been discretionary in the past with the collectors of customs. It has now been decided, in order to conform to accepted business practice and to reduce the inconvenience to importers and brokers, to require collectors of customs to receive bank drafts and cashiers' checks, and also to receive uncertified checks from business firms and individuals who have been approved by the collector concerned to make payments in such manner.

Accordingly, § 24.1 of the Customs Regulations of 1943 (19 CFR 24.1), is hereby amended to read as follows:

§ 24.1 *Checks receivable for duties.* (a) (1) Any bank draft, cashier's check, or certified check drawn on a national or state bank or trust company of the United States which can be cashed without cost to the Government shall be accepted in payment of duties or charges.

(2) A domestic traveler's check or a United States postal, bank, express, or telegraph money order shall be accepted in payment of duties or charges only when it can be cashed without expense to the Government.

(b) Uncertified checks drawn on a national or state bank or trust company of the United States which can be cashed without cost to the Government shall be accepted in payment of duties or charges from business firms and individuals who have been approved by the collector of customs to make payments in such manner.

(c) Checks on foreign banks, foreign travelers' checks, and commercial drafts or bills of exchange subject to acceptance by the drawees shall not be accepted.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Treasury Decision 44344 is hereby revoked.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 14, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–6750; Filed, July 31, 1953; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Foreign Operations Administration [1]

PART 201—PROCEDURE FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

Pursuant to Reorganization Plan No. 7 of 1953, effective August 1, 1953, MSA Regulation 1, as amended, is redesignated FOA Regulation 1 as of August 1, 1953, and will continue in effect, with the following revisions and amendments:

1. Section 201.1 (a) (b), (c) and (d) are amended to read as follows:

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" shall mean the Mutual Security Act of 1951 (Pub. Law 165, 82d Cong.) as amended.

(b) "FOA" shall mean the Foreign Operations Administration.

(c) "The Director" shall mean the Director of the Foreign Operations Administration.

(d) "Participating country" shall mean any country in which FOA has a program under the act, as well as any authorized agent of a participating country.

2. The title "FOA" is substituted for "MSA" wherever the latter appears in the regulation.

3. Section 201.25 is amended to read as follows:

§ 201.25 *Continuance in effect of certain ECA issuances.* (a) Participating country allotments, procurement authorizations, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended, and by MSA under MSA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. The provisions of this section may be satisfied by the submission of a certificate or writing in a form: (1) Prescribed by or provided for by corresponding provisions of ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number; or (2) prescribed by or provided for by corresponding provisions of MSA Regulation 1, as in effect on July 31, 1953, or authorized by MSA on that date, or referring to an MSA Commodity Code number.

(b) This section does not apply to assistance furnished under section 205 of the act, or under the Act for International Development, as amended (Title IV of Pub. Law 535, 81st Cong.).

(Sec. 502, 65 Stat. 378; 22 U. S. C. 1653)

HAROLD E. STASSEN,
Director,
Foreign Operations Administration.

[F. R. Doc. 53–6805; Filed, July 31, 1953; 11:21 a. m.]

[1] Formerly designated as Mutual Security Agency.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

NOTICE OF FINAL DETERMINATION WITH RESPECT TO APPLICATION FOR EXEMPTION OF BALING AND STORAGE OF FLAX STRAW AS AN INDUSTRY OF A SEASONAL NATURE

On July 11, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 4074) that the representative of the Administrator of the Wage and Hour Division authorized to hear and determine this matter had granted an application for exemption of the receiving for storage of flax straw as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

The receiving for storage of flax straw was determined to consist of the following operations in the State of Minnesota, North Dakota, South Dakota, and Iowa: the receiving of bales at the storage yards; stacking the bales; rebaling of broken bales, and any operations performed at the storage yards which are necessary and incident to the foregoing.

The notice stated that any person aggrieved by said determination could, within 15 days after the date of publication of the notice in the FEDERAL REGISTER, petition either for reconsideration by the authorized representative or for review of the findings and determination by the Administrator upon the record of the hearing. No petition for reconsideration or review has been filed and, accordingly, the findings and determination of the authorized representative have become final.

The fact that receiving flax straw for storage will have commenced when this notice is published is good cause for waiving the 30-day notice period provided in § 526.10 of the regulations. The exemption provided by section 7 (b) (3) of the Fair Labor Standards Act will, therefore, become effective in accordance with the above-mentioned findings and determination upon publication of this notice in the FEDERAL REGISTER.

NOTE: This determination will be tabulated under 29 CFR 526-101.

Signed at Washington, D. C., this 30th day of July 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-6776; Filed, July 31, 1953; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 18, Amdt. 1]

DMO 18—ESTABLISHING CENTRAL INVENTORY AND PROVIDING FOR EFFECTIVE UTILIZATION OF IDLE GOVERNMENT-OWNED PRODUCTION EQUIPMENT AND MACHINE TOOLS

PROVIDING FOR TRANSFER TO DEPARTMENT OF DEFENSE OF MANAGEMENT OF DEPARTMENT OF DEFENSE EQUIPMENT IN CENTRAL INVENTORY OF PRODUCTION EQUIPMENT GROUP

1. In the light of the improved balance of supply and demand with respect to machine tools and other production equipment, and in order to support and provide for the needs of national defense under the conditions prevailing at this time, it is ordered, with the concurrence of the agencies concerned, that the management of all equipment owned by the Department of Defense together with the National Industrial Equipment Reserve presently listed in the Central Inventory Production Equipment Group, established pursuant to Defense Directive No. 4215.9 of April 30, 1952, and heretofore managed by the National Production Authority pursuant to Defense Mobilization Order No. 18 of May 30, 1952, be returned to the Department of Defense.

2. All listings of Department of Defense production equipment and machine tools, including the National Industrial Equipment Reserve, shall be returned to the Department of Defense by the National Production Authority.

3. The Department of Defense will submit to the Office of Defense Mobilization prior to actual disposal all listings of production equipment which have been declared excess to the needs of the Department of Defense together with a statement of the disposition proposed by that Department. Upon the expiration of 30 days after submission of each listing the Department of Defense will proceed with the proposed disposition unless the Director of the Office of Defense Mobilization has in the meanwhile otherwise directed.

4. All operations under this order will be carried out in a manner consistent with policies promulgated by the Office of Defense Mobilization.

5. This order shall take effect on August 3, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director

[F. R. Doc. 53-6800; Filed, July 31, 1953; 12:12 p. m.]

[Defense Mobilization Order 18, Amdt. 2]

DMO 18—ESTABLISHING CENTRAL INVENTORY AND PROVIDING FOR EFFECTIVE UTILIZATION OF IDLE GOVERNMENT-OWNED PRODUCTION EQUIPMENT AND MACHINE TOOLS

PROVIDING FOR ESTABLISHMENT OF DEFENSE MOBILIZATION PRODUCTION EQUIPMENT INVENTORY

1. In order to support the present and future needs of defense and mobilization production, and obtain the most effective utilization of the idle production equipment and machine tools now owned or hereafter acquired by the Atomic Energy Commission, the Maritime Administration, the Department of Health, Education and Welfare, and the General Services Administration, including equipment acquired under the borrowing authority of the Defense Production Act of 1950, as amended, in defense-supporting industries, and in order to coordinate all agencies' activities concerned with a flexible and more rapidly expandable industrial mobilization base, it is hereby ordered, with the concurrence of the agencies concerned, that a Mobilization Production Equipment Inventory be established and managed in the Department of Commerce.

2. The Mobilization Production Equipment Inventory shall consist of all idle production equipment and machine tools now owned or hereafter acquired by the Atomic Energy Commission, the Maritime Administration, the Department of Health, Education and Welfare, and the General Services Administration, including equipment acquired under the borrowing authority of the Defense Production Act of 1950, as amended, and those agencies are hereby directed to list and report the availability of such idle equipment to the Department of Commerce on or before August 15, 1953.

3. The Mobilization Production Equipment Inventory shall furnish the agencies concerned with full instructions including data cards, procedures and criteria from time to time as may be needed by them to perform efficiently the functions of maintaining such inventory and carrying out the physical transfer of such equipment to defense-supporting contractors.

4. The Mobilization Production Equipment Inventory shall certify the contractors and the reasons for their needs of such equipment to the General Services Administration which will thereupon enter into a contract for use of the equipment in the best interest of the Government.

5. The agencies concerned shall provide for on-the-spot inspection by prospective contractors and the expeditious shipment of such equipment in accordance with allocations and instructions issued by the Mobilization Production Equipment Inventory.

6. The agencies concerned shall review their equipment inventories every four months and promptly report any additions, deletions or substitutions as well as such other information as the Mobilization Production Equipment Inventory may request.

7. For the purposes of this directive an idle machine tool or unit of production equipment shall be one for which no use is contemplated or planned within ninety days exclusive of tools or machines required for current maintenance or overhaul purposes. Until reviews and recommendations regarding currently established programs and projects are completed the following shall not be subject to transfer hereunder:

a. Machine tools and production equipment installed in plants of machine tool, cutting tool, and industrial gauge manufacturers for expansion of capacity to meet current and partial mobilization production requirements.

b. Machine tools and production equipment installed in plants producing so-called elephant tools.

c. Machine tools and production equipment necessary to the performance of stand-by lines which are determined to be needed for mobilization and therefore maintained in reserve readiness condition.

8. All special purpose machines acquired under the machine tool pool order program as a result of unallocated balances the contracts of which were entered into at the request of the Department of Defense will be transferred by General Services Administration to the Department of Defense or the National Industrial Equipment Reserve as may be mutually agreed and with the approval of the Director of the Office of Defense Mobilization, subject to determination by the Bureau of the Budget as to the allocation of costs and other accounting allocations.

9. The General Services Administration shall be responsible for the maintenance of records and contractual relationships with lessees with respect to all equipment acquired under the Defense Production Act of 1950, as amended. A report setting forth such information as the Director may require shall be furnished quarterly.

10. The Mobilization Production Equipment Inventory shall maintain records of

inspection and status of machines which are listed in order that competent judgment may determine the usefulness or obsolescence of those listed. The owning agency will be notified of status and action requested in disposing and repair of the units.

11. All operations including transfer and use of equipment under this order will be carried out in a manner consistent with policies promulgated by the Office of Defense Mobilization.

This order shall take effect on August 3, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 53-6801; Filed, July 31, 1953; 12:13 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1A, Amdt. 2 of July 31, 1953]

M-1A—IRON AND STEEL

DELIVERIES OF NICKEL-BEARING AIRCRAFT-QUALITY ALLOY STEEL PRODUCTS BY DISTRIBUTORS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

NPA Order M-1A dated May 14, 1953, and as amended by Amendment 1 of June 26, 1953, is hereby amended in the following respects:

Section 14 is amended to read as follows:

SEC. 14. *Deliveries of nickel-bearing aircraft-quality alloy steel products by distributors.* No steel distributor shall deliver, nor shall any person accept delivery of from any steel distributor, any nickel-bearing aircraft-quality alloy steel product unless:

(a) Such nickel-bearing aircraft-quality alloy steel product is required by specification and will be incorporated into aircraft, military catapults, aircraft arresting gear, guided missiles, or airborne equipment, in connection with the development, production, repair, or maintenance thereof, or required for use in gas turbine and aircraft-type internal combustion engines for use in naval vessels; or

(b) Such nickel-bearing aircraft-quality alloy steel product is required by specification and will be used in filling orders bearing the allotment number A-3, A-4, A-5, A-7, E-1, or E-2.

(c) Any person placing an order for a nickel-bearing aircraft-quality alloy steel product with a steel distributor shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under NPA Order M-1A

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the purchase order so certified calls for delivery of a nickel-bearing aircraft-quality alloy steel product to be used only as permitted in this section.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 31, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-6784; Filed, July 31, 1953; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 919]

[Docket No. AO-249]

HANDLING OF MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the County Court Room, First and Spruce Streets, Dodge City, Kansas, beginning at 10:00 a. m., c. s. t., August 18, 1953, for the purpose of receiving evidence with respect to a proposed order hereinafter set forth, and a proposed marketing agreement, or appropriate modifications thereof. The proposed order and marketing agreement have not received the approval of the Secretary of Agriculture.

Proposed by the Southwest Milk Producers Association:

I. Proposed marketing agreement and order regulating the handling of milk in the Southwest Kansas marketing area:

DEFINITIONS

§ 919.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 919.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 919.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 919.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 919.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 919.6 *South West Kansas marketing area.* "South West Kansas marketing area", called the "marketing area" in this subpart, means all territory included within the corporate limits of the cities of Dodge City, Garden City, Pratt, Great Bend, Larned, Kinsley and Scott City, all in the State of Kansas.

§ 919.7 *Approved plant.* "Approved plant," means:

(a) A milk plant approved by and under the routine inspection of the health authority of any municipality in the marketing area;

(1) From which Class I milk in consumer packages is disposed of in the marketing area on routes, or

(2) Which receives milk from producers as defined in § 919.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which milk or skim milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month.

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 919.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month of a route in the marketing area, or

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 919.10 *Producer* "Producer" means any person other than a producer-handler.

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed or for consumption as Class I milk issued by the health authority of any municipality in the marketing area, which milk is received at an approved plant described in § 919.7 (a), or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed or for consumption as Class I milk issued by a health authority whose certification is accepted by the appropriate health authority of a municipality in the marketing area, which milk is received at an approved plant described in § 919.7 (b).

(c) "Producer" shall include any such person whose milk is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 919.34.

§ 919.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by producers which is received by a handler, either directly from producers or from other handlers.

§ 919.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 919.13 *Producer-handler* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk other than from his own production and from approved plants.

§ 919.14 *Route.* "Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than sales of milk in bulk to a milk processing plant.

MARKET ADMINISTRATOR

§ 919.15 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 919.16 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 919.17 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 919.46 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 919.45) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 919.18 to 919.20, inclusive; or

(2) Made payments pursuant to §§ 919.38 to 919.46, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 919.31 (a) and the Class I butterfat differential pursuant to § 919.32 (a) both for the current month, and the minimum price for Class II milk pursuant to § 919.31 (b) and the Class II butterfat differential pursuant to § 919.32 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 919.37 and the butterfat differential computed pursuant to § 919.39, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association upon request the data furnished to the market administrator pursuant to § 919.19 with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 919.18 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it:

(a) The quantities of skim milk and butterfat contained in milk received from producers.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler),

(d) The quantities of skim milk and butterfat contained in or represented by all milk, skim milk, cream and products specified as Class I milk pursuant to § 919.24 (a) on hand at the beginning and the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The pounds of milk received from producers at each approved plant and the pounds of Class I milk disposed of from each such plant, if the handler operates more than one approved plant;

(g) The disposition of Class I products on routes wholly outside the marketing area; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 919.19 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from each such producer.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 919.20 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 919.21 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 919.22 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 919.23 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 919.18 shall be classified by the market administrator pursuant to the provisions of §§ 919.24 to 919.29, inclusive.

§ 919.24 *Classes of utilization.* Subject to the conditions set forth in §§ 919.26 and 919.27, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) All skim milk which is dumped or disposed of for livestock feed provided that in the case of skim milk which is dumped, the handler shall notify the market administrator in advance of his intention to dump such skim milk;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory at the end of the month as skim milk, cream or any product specified in paragraph (a) of this section.

§ 919.25 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 919.26 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

§ 919.27 *Transfers.* Skim milk or butterfat disposed of by a handler by either transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 150 miles distance by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 150 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to an unapproved plant located not more than 150 miles distant by the shortest highway distance and from which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The market administrator is permitted to audit the records of such unapproved plant, and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 150 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes.

§ 919.28 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 919.29 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 919.28, the market administrator shall determine the classification of milk received by each handler from producer as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 919.24 (b) (3)

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 919.24,

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 919.30 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8.

Present Operation and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 919.31 *Class prices.* Subject to the provisions of § 919.32, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.90 during all months of the year.

(b) *Class II milk.* The price per hundredweight shall be the price determined pursuant to § 919.30 (b) for the current month for each of the delivery periods of July through March and this price less 15 cents per hundredweight during April, May and June.

§ 919.32 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 919.29 is more or less than 3.8 percent, there shall be added to the respective class price, computed pursuant to § 919.31 (a) and (b) for each one-tenth of one percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.8 percent, and amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 919.33 *Producer-handlers.* Sections 919.23 through 919.32, 919.36 through 919.47 shall not apply to a producer-handler.

§ 919.34 *Handlers subject to other orders.* In the case of any handler who operates a plant which the Secretary determines disposes of a greater quantity of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act than in this marketing area, the provisions of this subpart shall not apply with respect to the operations of such plant, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified in Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 919.35 *Handlers operating unapproved plants from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 919.9 (b) who is not subject to the provisions of § 919.34, the reporting, pricing and payment provisions of this subpart shall apply only as follows:

(a) The handler shall report as required pursuant to §§ 919.18 and 919.19, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports pursuant to § 919.21.

(b) The handler shall pay to the market administrator, on or before the 25th day after the end of the month, with respect to all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area, any plus difference between

(1) The value of such skim milk or butterfat at the Class I price which would be applicable at an approved plant thus located and

(2) The value of such skim milk and butterfat at the price paid dairy farmers by such handler for milk received at the unapproved plant from them during the month, adjusted by the method used in computing payments to such dairy farmers to the average butterfat test of Class I milk disposed of in the marketing area. *Provided,* That if such handler has paid more than one such price, the lowest price(s) paid of an equivalent volume of milk shall be used in this computation; and

(c) As his pro rata share of the expense of administration of this subpart, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 919.46.

DETERMINATION OF UNIFORM PRICE

§ 919.36 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 919.29 by the applicable class prices.

§ 919.37 *Computation of uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for

milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 919.36 for all handlers who made the reports prescribed in § 919.18 and who made payments pursuant to §§ 919.38 and 919.41 for the preceding month;

(b) For each of the delivery periods of April through June subtract an amount equal to 50 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations to be retained in the producers settlement fund for the purpose specified at § 919.43.

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add if such average butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 919.39 and multiplying the resulting figures by the total hundredweight of such milk.

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 919.38 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer at not less than the uniform price computed pursuant to § 919.37, adjusted by the butterfat differential computed pursuant to § 919.39, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the last day of each month to each producer for milk received from him during the first 15 days of the month at the approximate value of such milk: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payments for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association at least 3 days before the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 919.39 *Producer butterfat differential.* In making payments pursuant to § 919.38 (a) there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 919.40 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to §§ 919.35 (b), 919.41 and 919.44 and out of which he shall make payments pursuant to §§ 919.42, 919.43 and 919.44.

§ 919.41 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 919.37 is greater than the amount required to be paid producers by such handler pursuant to § 919.38.

§ 919.42 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 919.36 is less than the amount required to be paid producers by such handler pursuant to § 919.38: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 919.38 (a) if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments, next following after the receipt of the balance from the market administrator.

§ 919.43 *Fall incentive payment.* On or before the 15th day after the end of the delivery periods August, September and October the market administrator shall pay out of the producer-settlement fund to each producer, an amount computed as follows:

(a) Divide one-third of the total amount held pursuant to § 919.37 (b) by the hundredweight of producer's milk received during the delivery period involved, August, September and October as above and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided,* That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 919.44 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 919.45 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 919.38 shall deduct 10 cents per hundredweight or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deduction to the cooperative association rendering such services.

§ 919.46 *Expenses of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and

(b) milk from producers including such handler's own production.

§ 919.47 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 919.48 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 919.49.

§ 919.49 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision hereof whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it ceases to be in effect.

§ 919.50 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 919.51 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 919.52 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 919.53 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Proposed by Fairmont Foods Company, Dodge City, Kansas, for handlers in the Southwest Kansas area.

2. That § 919.6 be modified to read as follows:

§ 919.6 *South West Kansas marketing area.* "South West Kansas Marketing Area" called the "marketing area" in this subpart, means all territory included within the boundaries of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Stafford, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Edwards, Pratt, Kingman, Barber, Comanche, Clark, Meade, Seward, Stevens, and Morton counties; and the municipalities of Langdon and Turon in Reno County—all in the State of Kansas.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 29, 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-6756; Filed, July 31, 1953; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 686, 687, 697, 699, 709]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 14

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CERTAIN INDUSTRIES

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) on April 9, 1953,[1] by Administrative Order No. 428 appointed Special Industry Committee No. 14 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions respecting, and to recommend minimum wage rates for, employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the Costume Jewelry Division of the Button, Buckle and Jewelry Industry; the Hosiery Industry; the Shoe Manufacturing and Allied Industries; and the Textile and Textile Products Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 14 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations (29 CFR 511.19) issued under the act, for each of the aforementioned industries.

The Administrator is required by section 8 (d) of the act, after due notice to

[1] As supplemented by Administrative Orders Nos. 430 (April 27, 1953) and 431 (May 5, 1953) published in the FEDERAL REGISTER on May 1 and May 9, 1953, respectively.

interested persons and giving opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 14 for Puerto Rico, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act; and if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 14 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
1. Costume Jewelry Division of the Button, Buckle and Jewelry Industry:	
(a) Costume Jewelry Hair Ornament Division	50
(b) Costume Jewelry General Division	36
2. Shoe Manufacturing and Allied Industries	40
3. Hosiery Industry	50
4. Textile and Textile Products Industry:	
(a) Cotton Ginning and Compressing Division	40
(b) Hard-Fiber Products Division	37½
(c) Mattress and Pillow Division	75
(d) General Division	42½

B. The definitions of the above-named industries in Puerto Rico (as set forth in Administrative Order No. 428) and of the separate divisions thereof, for which Special Industry Committee No. 14 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Costume Jewelry Division of the Button, Buckle and Jewelry Industry.* The manufacture of jewelry (except rosaries, metal expansion watch bands or bracelets, and metal, glass, plastic, and wooden beads) and jewelry findings from any materials (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials)

The Committee recommended that the Costume Jewelry Division of the Button, Buckle and Jewelry Industry in Puerto Rico, as defined in Administrative Order No. 428, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be entitled and defined as follows:

(a) *Costume Jewelry Hair Ornament Division.* The manufacture from any material (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials) of hair ornaments such as decorated or ornamental combs, clips and barrettes; and of component parts of such ornaments when the manufacture of such parts is performed in an establishment producing such hair ornaments.

(b) *Costume Jewelry General Division.* The manufacture of jewelry (except rosaries, hair ornaments, metal expansion watch bands and bracelets, and metal, glass, plastic, and wooden beads) and jewelry findings from any material (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials).

2. *Shoe Manufacturing and Allied Industries.* (a) The manufacture or partial manufacture of footwear from any material and by any process except knitting (including crocheting) vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper. The term footwear as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees) sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided, however* That the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape: Outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, box-toes, counters, stays, stripping, sock linings and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns.

3. *Hosiery Industry.* The manufacturing or processing of full-fashioned and seamless hosiery, including among other processes the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacturing or processing of yarn or thread.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

4. *Textile and Textile Products Industry.* The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, woven carpets and rugs, mattresses, quilts and pillows, and hairnets: *Provided, however,* That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

The Committee recommended that the Textile and Textile Products Industry in Puerto Rico, as defined in Administrative Order No. 428, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be entitled and defined as follows:

(a) *Cotton Ginning and Compressing Division.* The ginning and compressing of cotton.

(b) *Hard-Fiber Products Division.* The manufacture from kenaf, coir, sisal, jute or other hard or coarse textile fibers or mixtures of these fibers of yarn, bagging, bags, rope, matting and similar textiles and textile products.

(c) *Mattress and Pillow Division.* The manufacture of mattresses and pillows.

(d) *General Division.* The preparation of textile fibers; the manufacture of batting, wadding and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, quilts, textile bags, oil cloth and artificial leather, woven carpets and rugs, and hairnets: *Provided, however* That the definition shall not include the ginning and compressing of cotton; the manufacture from kenaf, coir, sisal, jute, or other hard or coarse textile fiber or mixtures of these fibers of yarn, bagging, bags, rope, matting and similar textiles and textile products; and the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

C. The full texts of the reports and recommendations of Special Industry Committee No. 14 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

18 Oliver Street Boston 10, Mass.
525 Lafayette Building, 437 Chestnut Street, Philadelphia 6, Pa.
216 Engineers Building, 1365 Ontario Avenue, Cleveland 14, Ohio.
600 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.
150 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.
Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.
900 U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
1007 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.
105 West Adam Street, Chicago 3, Ill.
222 Fidelity Building, 114 Commerce Street, Dallas 2, Tex.
United States Court House, 801 Broad Street, Nashville 3, Tenn.
412 New York Department Store Building, Post Office Box 9061, Santurce 29, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m. on the dates and at the places set forth below before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 14 for Puerto Rico set forth above shall be approved or disapproved:

Costume Jewelry Division of the Button, Buckle and Jewelry Industry—September 1, 1953, in Room 5406, Department of Labor Building, Washington 25, D. C.

Hosiery Industry—September 2, 1953, in Room 5406, Department of Labor Building, Washington 25, D. C.

Shoe Manufacturing and Allied Industries—September 3, 1953, in Room 5406, Department of Labor Building, Washington 25, D. C.

Textile and Textile Products Industry—September 9, 1953, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 14 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 14 of Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 14 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor in Washington, D. C.

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 14 in San Juan, Puerto Rico, in May and June, 1953, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico. The records of the public hearing before the industry committee with respect to each of the above-named industries in Puerto Rico will be available for examination on and after 30 days prior to the date fixed herein for the hearing on the Committee's recommendation for such industry. Such records will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or inclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall

give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen-day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 28th day of July 1953.

WM. R. MCCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 53-6726; Filed, July 31, 1953; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

[Docket No. FDC-34 (a)]

ICE CREAM, FROZEN CUSTARD, SHERBET, WATER ICES, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER EXTENDING TIME FOR FILING WRITTEN ARGUMENTS

On December 31, 1952, the presiding officer conducting the hearing in the matter of fixing and establishing definitions and standards of identity for ice cream, frozen custard, sherbet, water ices, and related foods fixed a period of time ending May 5, 1953, for interested persons to file written arguments. Prior to such date, the time for filing written arguments was extended to August 3, 1953.

The Secretary of Health, Education, and Welfare, having been petitioned by interested persons who appeared at the hearing to extend the period of time for filing such written arguments, and good cause therefor appearing: *It is ordered*, That the time for filing such documents be hereby extended to August 31, 1953, and that said extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: July 30, 1953.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 53-6802; Filed, July 31, 1953; 11:25 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1953 92d Supp.]

TRANSATLANTIC REINSURANCE CO., NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 24, 1953.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as a reinsuring company only on Federal bonds. An underwriting limitation of $235,000.00 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE, AND STATE IN WHICH INCORPORATED

NEW YORK

Transatlantic Reinsurance Company, New York.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-6749; Filed, July 31, 1953; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JEAN E. F. GOBIN-DAUDE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean E. P. Gobin-Daude, Paris, France, Claim No. 41637; U. S. Letters Patent No. 2,620,536, originating from Application Ser. No. 11,902, which is a division of Application Ser. No. 414,192, described in Vesting Order No. 293 (7 F. R. 9336, November 26, 1942).

Executed at Washington, D. C., on July 24, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-6754; Filed, July 31, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6510]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

JULY 28, 1953.

Take notice that on July 27, 1953, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of not to exceed $9,000,000 principal sum of promissory notes, maturing by their terms prior to twelve months from date of issue, to Bank of America National Trust and Savings Association; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 14th day of August 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file

with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6740; Filed, July 31, 1953; 8:48 a. m.]

[Docket No. G-1928]

PERMIAN BASIN PIPELINE CO.

NOTICE OF EXTENSION OF TIME FOR FILING PLAN

JULY 28, 1953

Upon consideration of the motion filed July 23, 1953, for a further extension of time for filing by Permian Basin Pipeline Company of a definite plan of financing and related data,

Notice is hereby given that a further extension of time to and including September 3, 1953, is hereby granted for filing by Permian Basin Pipeline Company of a definite plan of financing with definite commitments and undertakings as required by the Commission's order issued May 1, 1953, in the above-designated matter. Paragraph C (5) of said order is accordingly amended.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6747; Filed, July 31, 1953; 8:49 a. m.]

[Docket No. G-2195]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 28, 1953.

Take notice that Northern Natural Gas Company (Applicant) address 2223 Dodge Street, Omaha 1, Nebraska, filed on June 22, 1953, an application, supplemented on July 10, 1953, for an order pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of certain natural-gas transmission facilities described in the application, as supplemented, as follows:

1. Approximately 6.84 miles of 8⅝-inch O. D. natural gas pipeline and appurtenances, including 0.27 mile of pipeline undercrossing the Missouri River, extending from a point of connection with Applicant's pipelines located in the NW¼, Section 20, T. 74 N., R. 43 W., Pottawattamie County Iowa, in a northwesterly direction to a point in the southwest quarter, Section 23, T. 15 N., R. 13 E., Douglas County, Nebraska, together with a measuring station located at the western terminus of such line, and approximately 52 feet of 12¾-inch O. D. natural gas pipeline and appurtenances located at and extending from the point where said 8⅝-inch pipeline terminates in said Douglas County, Nebraska.

2. Approximately 1600 feet of 8⅝-inch O. D. natural gas pipeline, and appurtenances, extending northward from a point of connection with the pipeline specifically described in Paragraph 1, above, in the northwest quarter, Section 33, T. 75 N., R. 44 W., Pottawattamie County, Iowa, to a point of connection in Government Lot One in said Section 33 with a pipeline extending westward across the Douglas Street Bridge over the Missouri River.

3. A regulator station located in Government Lot One in Section 33, T. 75 N., R. 44 W., Pottawattamie County, Iowa, and approximately 542 feet of 16-inch pipeline extending westwardly from said regulator station, and approximately 1174 feet of 14-inch pipeline and appurtenances extending westwardly upon the Douglas Street Bridge across the Missouri River from an interconnection with said 16-inch pipeline, and terminating at the lower end of a 14-inch riser which extends downward from said Bridge near the west end thereof in Omaha, Douglas County, Nebraska.

4. The facilities owned by the Applicant located on the premises of the Omaha Public Power District near Fourth and Jones Streets in the City of Omaha, and consisting of approximately 44 feet of 12¾-inch pipeline and including a 10-inch meter run and a regulator setting, with building housing such setting.

5. Facilities used by Applicant for serving, directly, American Smelting and Refining Company, beginning at the lower end of the 14-inch riser referred to in Paragraph 3 above, and all pipe, valves and appurtenances downstream therefrom, approximately 435 feet to and including the 6-inch orifice meter setting and building housing the same.

6. Approximately 466 feet of 6-inch pipeline extending northward from the outlet of the 6-inch orifice meter setting referred to in Paragraph 5 above, which, with the pipeline referred to in Paragraph 5 above, is all of the pipeline in Section 23, T. 15 N., R. 13 E., Douglas County, Nebraska.

Applicant has utilized the facilities which it now seeks permission to abandon in making direct sales of natural gas for industrial purposes to the American Smelting and Refining and the Omaha Public Power District both of which are located in Omaha, Nebraska. Service to these customers has been, or will be, taken over by Metropolitan Utilities District of Omaha and it will render such service to the two industrial customers by means of its existing distribution system in Omaha. The facilities sought to be abandoned, therefore, will be of no further use to Applicant.

Portions of the above-described facilities will be abandoned by sale to Metropolitan Utilities District of Omaha, Council Bluffs Gas Company and American Smelting and Refining Company. Other portions will be salvaged or abandoned in place.

The application, as supplemented, is on file with the Commission and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of August 1953.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6741; Filed, July 31, 1953; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

DELEGATIONS OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF THE SLUM CLEARANCE AND COMMUNITY DEVELOPMENT AND REDEVELOPMENT PROGRAM

1. The Director, Division of Slum Clearance and Urban Redevelopment, is hereby delegated the authority to administer the provision of Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C., 1946 ed. Sup. V 1451–60), and to execute and fulfill the functions, duties and responsibilities of the Housing and Home Finance Administrator thereunder.

2. The said Director is further authorized to redelegate to such officers and employees of the Division of Slum Clearance and Urban Redevelopment as he may designate any of the authority hereby delegated to him save and except the authority respecting:

(a) Reservations of capital grant monies;

(b) Allocations of advance, loan or capital grant funds to local public agencies; and

(c) Issuance of notes and obligations for purchase by the Secretary of the Treasury to obtain funds for loans under Title I.

3. Contracts for financial assistance in the administration of Title I, including amendatory, supplementary and superseding contracts, and waivers relating thereto, executed by the Director, shall be signed in the following form:

UNITED STATES OF AMERICA,
HOUSING AND HOME FINANCE ADMINISTRATOR,

By _____
Director, Division of Slum Clearance and Urban Redevelopment.

4. Documents reflecting action taken by the Director in the approving of requisitions and vouchers for funds to be disbursed under contracts for financial assistance; in the making, extending or canceling of reservations of capital grant monies under Title I; in the allocating of advance, loan or capital grant funds to local public agencies; or in carrying out the functions and responsibilities vested in the Administrator under section 109 of Title I, shall be signed in the following form:

HOUSING AND HOME FINANCE ADMINISTRATOR,

By _____
Director, Division of Slum Clearance and Urban Redevelopment.

5. All official acts and things conforming to this order done or performed on or between July 1, 1953, and the date of effectiveness of this order are hereby ratified, confirmed and approved in all respects to the same extent as if such acts were performed by the Housing and Home Finance Administrator.

6. This order supersedes the order providing for a delegation of final authority to the said Director, effective November

21, 1951, published in 16 F. R. 11788–9 (November 21, 1951)

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283–5 (1948), as amended, 12 U. S. C. Sup. V 1701c; 63 Stat. 413, 417 (1949), as amended, 42 U. S. C. Sup. V 1456)

Effective the 1st day of August 1953.

ALBERT M. COLE,
Housing and Home Finance Administrator

[F. R. Doc. 53-6742; Filed, July 31, 1953; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

OAK RIDGE, TENN., AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

JULY 31, 1953.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of the Office of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Oak Ridge, Tennessee, Area: (The area consists of the town of Oak Ridge, Tennessee, located on the Atomic Energy Commission Reservation.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10456 of May 27, 1953, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

C. E. WILSON,
Secretary of Defense.
ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

[F. R. Doc. 53-6798; Filed, July 31, 1953; 11:14 a. m.]

FAIRBANKS AND KODIAK, ALASKA AREAS

DETERMINATION AFTER REVIEW OF CRITICAL DEFENSE HOUSING AREAS UNDER SECTION 204 (F) OF HOUSING AND RENT ACT OF 1947, AS AMENDED

JULY 31, 1953.

Upon review of specific data presented to the Secretary of Defense and the Director of the Office of Defense Mobilization for the areas designated as

Areas and Geographic Definitions

Fairbanks, Alaska: All areas within a 20-mile radius of each of the following: The Post Office of the City of Fairbanks, Ladd Air Force Base, and Eielson Air Force Base.

Kodiak, Alaska: Kodiak Island, Alaska.

which areas were certified as critical defense housing areas prior to the date of enactment of the Housing and Rent Act of 1953, the undersigned find that the requirements for certification under section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in said areas.

Therefore, pursuant to section 204 (f) of the Housing and Rent Act, as amended, and Executive Order 10456 of May 27, 1953, the undersigned jointly determine that the aforementioned areas meet the requirements for certification as contained in said act.

C. E. WILSON,
Secretary of Defense.
ARTHUR S. FLEMMING,
Director
Office of Defense Mobilization.

[F. R. Doc. 53-6799; Filed, July 31, 1953; 11:14 a. m.]

UNITED STATES TARIFF COMMISSION

LEAD AND ZINC

NOTICE OF INVESTIGATION INSTITUTED AND HEARING SET

Pursuant to a resolution of the Committee on Finance of the United States Senate on July 27, 1953, and of the Committee on Ways and Means of the House of Representatives on July 29, 1953, the United States Tariff Commission, on the 29th day of July 1953, instituted a general investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the domestic lead and zinc industries, including the effect of imports of lead and zinc on the livelihood of American workers.

The purpose of the investigation is to determine the facts relative to the production, trade, and consumption of lead and zinc in the United States, taking into account all relevant factors affecting the domestic economy, including the interests of consumers, processors, and producers. Upon completion of the investigation the Commission will submit a report of the results thereof to the Senate Finance Committee and the House Committee on Ways and Means. Such report will include a statement of findings as to the effect upon the competitive position of the domestic lead and zinc industries of the present tariff status of imported lead and zinc.

Hearings. Public hearings, at which all interested parties will be given opportunity to express their views, will be held in connection with this investigation, beginning on November 3, 1953, with respect to lead and beginning November 5, 1953, with respect to zinc. Hearings will be open at 10 a. m. on the days fixed, and will be held in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C.

Requests to appear. Interested parties desiring to appear and give testimony at the hearings should notify the Secretary of the Commission in writing, at its offices in Washington, D. C., in advance of the hearings.

I hereby certify that the above investigation was instituted and hearings were ordered by the United States Tariff Commission on the 29th day of July 1953.

Issued July 29, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-6753; Filed, July 31, 1953; 8:51 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 21]

REQUEST TO ALLIED SPECIALTIES COMPANY TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Allied Specialties Company to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO ALLIED SPECIALTIES COMPANY

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will greatly assist in the accomplishment of our national defense program.

Therefore, in accordance with the provisions of Section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program. While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

WILLIAM D. MITCHELL,
Administrator.

REQUEST TO COMPANIES

The voluntary program of Allied Specialties Company to operate as a small business production pool has been found to be in the

public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will greatly assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

WILLIAM D. MITCHELL,
Administrator.

The Allied Specialties Company accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Barta Machine Company, 2015 Kinsey Street, Philadelphia 24, Pa.

Comly Machine Company, 2212 Haworth Street, Philadelphia 37, Pa.

Eastern Non-Ferrous Foundry, 2811 Amber Street, Philadelphia 34, Pa.

Emerald Tool & Die Company, 3127 Potter Street, Philadelphia 34, Pa.

Industrial Specialties Company, 1822 Wakeling Street, Philadelphia 24, Pa.

Kosempel Manufacturing Company, 5110 Germantown Avenue, Philadelphia 44, Pa.

H. J. Perazzoli & Company, Tulip & Westmoreland Streets, Philadelphia 34, Pa.

Quaker Storage Company, 2501 Germantown Avenue, Philadelphia 33, Pa.

W. W. Wichterman & Company, 2316 East Hagert Street, Philadelphia 25, Pa.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: July 29, 1953.

WILLIAM D. MITCHELL,
Administrator

[F. R. Doc. 53-6777; Filed, July 31, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-123]

CONSOLIDATED ELECTRIC AND GAS CO. AND ISLANDS GAS AND ELECTRIC CO.

ORDER GRANTING REQUEST TO WITHDRAW APPLICATION

JULY 28, 1953.

On April 4, 1945, Consolidated Electric and Gas Corporation ("Consolidated") then a registered holding company, and The Islands Gas and Electric Company ("Islands") then a wholly owned subsidiary company of Consolidated, filed an application with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") for approval of a plan to simplify Islands' corporate structure by reducing its capitalization and by limiting such capitalization to common stock and one promissory note, all to be owned by Consolidated. A public hearing, originally set by this Commission for June 15, 1945, and continued twice at the requests of Consolidated and Islands, was continued subject to the call of the Hearing Examiner. The proceeding was never closed and, except as hereinafter indicated, no further action in connection therewith has been requested by Consolidated or Islands.

On June 13, 1952, this Commission approved the merger of Consolidated into its parent company, Central Public Utility Corporation ("Cenpuc") which is a registered holding company, and directed that Cenpuc take appropriate steps to terminate the existence of Islands (Holding Company Act Release No. 11311) On March 16. 1953, Cenpuc filed an application under section 11 (e) of the act and identified by File No. 54-211 for approval of a plan which provides, among other things, for the merger of Islands into Cenpuc. If this merger is approved by this Commission, Cenpuc will acquire of Islands' assets and will be obligated to pay all of its indebtedness.

Cenpuc and Islands having filed an application to withdraw the application of Consolidated and Islands in this proceeding (File No. 54-123) and having stated in said application that in view of the pending plan under section 11 (e) of the act (File No. 54-211) a recapitalization of Islands would not serve a useful purpose, and the Commission finding that it is appropriate to grant said application:

It is ordered, That the application of Cenpuc and Islands to withdraw the application filed herein under section 11 (e) of the act, be and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-6731; Filed, July 31, 1953; 8:46 a. m.]

[File Nos. 54-191, 54-173, 70-3115]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF FILING OF AMENDMENTS TO SECTION 11 (e) PLANS AND OF PROPOSED PARTIAL LIQUIDATING DISTRIBUTIONS AND ISSUANCE AND SALE OF 1 YEAR PROMISSORY BANK NOTE

JULY 28, 1953.

In the matter of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191, Philadelphia Company and Standard Gas and Electric Company, File No. 54-173; Philadelphia Company, File No. 70-3115.

I. Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") Standard Gas and Electric Company ("Standard") a registered holding company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard and also a registered holding company, have heretofore been ordered by this Commission to liquidate and dissolve. (See Holding Company Act Release Nos. 8242 (June 1, 1948) 8773 (December 31, 1948) and 10717 (August 14, 1951).) In compliance with such orders, Standard previously filed with the Commission under section 11 (e) of the act a plan ("Standard Plan") for compliance by Standard and Philadelphia with the provisions of section 11 of the act (File No. 54-191) and a plan ("Philadelphia Plan") for simplification of the corporate structure of the Philadelphia holding company system (File No. 54-173) The proceedings on the two plans were consolidated and substantially all of the transactions proposed to be taken pursuant to the plans, as amended, have been heretofore approved by the Commission and have been consummated.

The only outstanding security of Standard is its common stock consisting of 2,163,607 shares. There has been no final determination of the liability for Federal income and excess profits taxes of Standard and other system companies included in Standard's consolidated Federal tax returns for the years 1942 through 1950 and there are major items of dispute between the Treasury Department and the system companies as to such tax liabilities. (See Holding Company Act Release Nos. 11510 at pp. 41-42 and 11765 at p. 27.) In addition, claims aggregating approximately $5,000,000 for fees and expenses for services rendered by the various participants in the proceedings involving Standard and Philadelphia under section 11 of the act have been asserted against those companies. Standard owns all of the 5,040,440 shares of outstanding common stock of Philadelphia, 16,903 shares (0.28 percent) of common stock of its public utility subsidiary, Duquesne Light Company ("Duquesne") 3,178 shares of common stock of Oklahoma Gas and Electric Company and 46,834 shares of common stock of Wisconsin Public Service Corporation; both of the latter companies are public utility companies which were formerly subsidiaries of Standard. Standard's assets also include cash, the capital stocks of Public Utility Engineering and Service Corporation and Horseshoe Lake Oil and Gas Company, both inactive non-utility subsidiaries of Standard, an open-account indebtedness of $2,500,000 due from Philadelphia, and whatever potential value may be realized in the event of any reduction of Federal taxes on income for past periods.

The outstanding securities and indebtedness of Philadelphia are its common stock, $3,500,000 of 2⅛ percent bank loan notes, due August 23, 1953, and the open account due to Standard. Philadelphia owns 1,360,524 shares (22.68 percent) of the 6,000,000 outstanding shares of Duquesne common stock, 24,264 shares (4.41 percent) of 4 Percent Cumulative Preferred Stock of Duquesne, 547,678 shares (50.9 percent) of common stock of its non-utility subsidiary, Pittsburgh Railways Company, all the common stock

of Equitable Auto Company, a subsidiary service company, and certain real estate in the City of Pittsburgh.

II. Notice is hereby given that Standard has filed with the Commission additional amendments, dated June 29, 1953, to the Standard Plan, which amendments to the extent they relate to Philadelphia are also to be deemed supplements to the Philadelphia Plan. Standard has also filed an application requesting that the Commission approve at this time certain portions of such amendments, which portions are described hereinafter.

Notice is further given that Philadelphia has filed a declaration pursuant to sections 6 (a) and 7 of the act proposing the issuance and sale of its one-year 4 percent promissory bank loan note in the principal amount of $3,000,000 for the purpose of paying and discharging together with treasury funds) its outstanding bank loan notes (File No. 70-3115)

All interested persons are referred to the aforesaid amendments, the application and the declaration which are on file at the office of the Commission for a complete statement of the transactions therein proposed. Those transactions for which approval is sought at this time are summarized as follows:

Step III of the Standard Plan, as further amended, provides, among other things, that as soon as practicable Philadelphia will make a distribution to Standard of 560,048 shares of Duquesne common stock. Thereafter, Standard will distribute, in partial liquidation, 140,651.75 shares of Duquesne common stock on the basis of one-fourth (1/4th) share of such stock for each share of common stock of Standard. Such distribution will become effective after this Commission has approved it and will be carried out at a time to be fixed by the Board of Directors of Standard, which time will not be later than 60 days after the order of this Commission approving the distribution has become final.

After the date of the distribution has been fixed, the Board of Directors of Standard will fix a record date for the determination of the holders of common stock of Standard entitled to receive common stock of Duquesne and/or scrip upon such distribution ("distribution record date"). Only holders of record of common stock of Standard on such distribution record date, and no others, will be entitled to receive common stock of Duquesne and/or scrip upon such distribution and then only if such holders have filed with the Distribution and Scrip Agent, to be appointed by Standard for such purpose, the form of acknowledgment of receipt of notice hereinafter mentioned.

Not less than five days prior to the distribution record date Standard will mail to all holders of its common stock of record on a date not more than five days prior to such mailing ("mailing record date") notice of the distribution date and the distribution record date, together with a printed form of acknowledgment of receipt of notice to be forwarded to the Distribution and Scrip Agent by such holders. Within five days after the distribution record date a similar notice and enclosure will be sent to those stockholders of record on such date who became stockholders subsequent to the mailing record date.

On the distribution date, Standard will deposit with the Distribution and Scrip Agent an aggregate of 540,652 shares of common stock of Duquesne, being, to the next highest full share, the number of shares of such common stock required for distribution under Step III. Upon such deposit Standard will cease to be the holder of, or have any of the rights or incidents of ownership in respect of such shares of common stock of Duquesne and the holders of common stock of Standard of record on the distribution record date will be entitled, subject to the limitations hereinafter stated, to receive from the Distribution and Scrip Agent one-fourth (1/4th) of a share of such Duquesne common stock for each share of common stock of Standard held by them.

After receipt of the shares of common stock of Duquesne, the Distribution and Scrip Agent will promptly deliver to each holder of common stock of Standard of record on the distribution record date the certificates for common stock of Duquesne and/or scrip to which he is entitled, but only if such holder has filed with the Distribution and Scrip Agent the form of acknowledgment of receipt of notice.

Until the Distribution and Scrip Agent has delivered to him the certificate or certificates for shares of common stock of Duquesne to which he is entitled, no holder of common stock of Standard will be entitled to receive any dividends declared on such shares of stock of Duquesne, or have any right to vote or consent in respect of such shares. Upon delivery of a certificate or certificates for such shares to him, he will be entitled to receive from such Agent, and such Agent will pay over to him an amount equal to all dividends (less the amount of taxes, if any, which may have been imposed or paid thereon) paid or payable to such Agent with respect thereto.

No stock certificates for fractional shares of common stock of Duquesne will be issued, but in lieu thereof, the Distribution and Scrip Agent will issue scrip certificates in bearer or registered form as Standard may determine. Such scrip certificates, when combined in lots representing one or more full shares, may be exchanged within the period of twelve months after the date of the distribution for the full shares of common stock of Duquesne represented thereby. Arrangements will be made whereby during such twelve months' period holders of scrip certificates may, without the payment of any commission, either sell the same or purchase additional scrip certificates sufficient to entitle them to a full share of common stock of Duquesne. Scrip certificates will not entitle the holders thereof to dividends, voting rights, or any rights of stockholders unless and until such certificates have been combined into full share lots and exchanged for full share certificates for common stock of Duquesne. All dividends paid on shares represented by scrip certificates will be paid to the Distribution and Scrip Agent.

Upon the expiration of twelve months from the date of the distribution, the Distribution and Script Agent will convert into cash all shares of common stock of Duquesne held by it with respect to script certificates and will hold such cash together with any cash received as dividends on such shares during the twelve months' period for distribution to the holders of unexchanged script certificates who thereafter surrender their certificates for exchange, and will convert into cash a sufficient number of shares of common stock of Duquesne to provide for the fractional shares which it is estimated will be required upon the filing of acknowledgments of receipt of notice by holders of common stock of Standard not theretofore having filed such acknowledgments and will hold such cash, together with any cash received as dividends on such shares, for distribution to holders of common stock of Standard thereafter filing such acknowledgments. After the expiration of twelve months from the date of the distribution, no holder of script certificates shall have any rights, and no holder of common stock of Standard shall have any rights with respect to fractional shares, except in each case to receive without interest, his pro rata share of the cash into which shares of common stock of Duquesne have been converted and of any dividends on such shares received by the Distribution and Scrip Agent, after deducting therefrom, the amount of taxes, if any, which may be imposed or paid thereon. From and after the cut-off date, as hereinafter defined, all scrip certificates then remaining outstanding will become void and of no value.

The cut-off date will be the last day of the five-year period immediately following the date of the distribution provided for in Step III, except that in the event, within such five-year period, the common stock of Standard is surrendered for exchange or there are further distributions by Standard to holders of its common stock, the cut-off date will be extended to a date which coincides with the cut-off date fixed in respect of such exchange of common stock of Standard or such distribution within said five-year period, or to the last day of the ten-year period immediately following the date of the distribution under Step III, whichever is earlier.

At the cut-off date (i) holders of certificates for common stock of Standard of record on the distribution record date, who have not theretofore filed with the Distribution and Scrip Agent acknowledgments of receipt of notice, will cease to be entitled to receive common stock of Duquesne and/or cash and their claims thereto will become void and of no value, (ii) all scrip issued in lieu of fractional shares of common stock of Duquesne, and not combined into full share lots and exchanged for full shares, will become void and of no value, and (iii) all certificates for shares of common stock of Duquesne held by the Distribution and Scrip Agent will be converted into cash and such cash together

with all cash received by the Distribution and Scrip Agent as dividends or otherwise upon any shares of common stock of Duquesne or received by the Distribution and Scrip Agent upon the sale of shares of such common stock as previously mentioned will be turned over by the Distribution and Scrip Agent to Standard and will become the property of Standard as a capital contribution thereto, or in the event that Standard has been liquidated and dissolved or otherwise disposed of, such cash will be delivered to the Exchange or other Agent, which may be provided for by the Standard Plan for distribution to the holders or former holders of common stock of Standard who may be entitled to receive the residual assets of Standard under the Standard Plan.

Not more than 60 days nor less than 30 days prior to the expiration of each year after the date of the distribution provided for under Step III and prior to the cut-off date hereinbefore referred to, Standard will publish in a newspaper of general circulation in each of the Cities of New York, New York, Chicago, Illinois, and Pittsburgh, Pennsylvania, a notice that the rights of holders of common stock of Standard on the distribution record date who have not theretofore filed an acknowledgment of receipt of notice and of holders of scrip certificates for common stock of Duquesne not combined into full share lots and exchanged for full shares, will terminate and expire, and will mail a copy of such notice to each such holder at his last known address. At the end of each six months' period after the expiration of the first year after the date of the aforesaid distribution and prior to the cut-off date, Standard will report to the Commission the number of shares of common stock of Duquesne deposited with the Distribution and Scrip Agent for distribution, which have not then been delivered by such Agent to holders of common stock of Standard and the efforts made during such six months' period to locate the persons entitled to receive such shares.

Standard will make reasonable efforts through letters and otherwise to locate holders of its common stock on the distribution record date who have not filed acknowledgments of receipt of notice and to advise them personally of the necessity of filing such acknowledgements prior to the cut-off date and Standard may employ any organization which it considers qualified for the purpose of locating security holders who cannot be located through ordinary channels of communication.

Such fees and expenses as the Commission may award or allow in connection with Step III, as amended, of the Standard Plan and any and all transactions and proceedings related thereto will be paid by Standard to the extent that they relate primarily to transactions pertaining to Standard and by Philadelphia to the extent they relate primarily to transactions pertaining to Philadelphia.

As previously indicated, Philadelphia has outstanding 2⅛ percent bank loan notes, due August 23, 1953, in the principal amount of $3,500,000. Philadelphia now proposes to borrow from Mellon National Bank and Trust Company the sum of $3,000,000 for the purpose of paying and discharging (together with funds from the company's treasury) the foregoing notes at maturity and to issue its promissory note dated August 21, 1953, to mature August 21, 1954, and to bear interest at the rate of 3¼ percent per annum which Philadelphia states is the prime interest rate now prevailing on short-term commercial bank loans. The note provides that Philadelphia will not, without obtaining the bank's consent, dispose of Duquesne common stock so as to reduce the number of shares of such stock owned by Philadelphia to less than 800,000 shares. Philadelphia will have the right to prepay the note without premium. Philadelphia further states that no State or Federal commission other than this Commission has jurisdiction over the proposed transaction and that there will be no fees and expenses other than miscellaneous expenses estimated not to exceed $100.

Notice is further given that any interested person may not later than August 12, 1953, at 5:30 p. m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 12, 1953, the Commission may grant Standard's application for the approval of the distribution by Philadelphia and Standard of Duquesne common stock as proposed in Step III, as amended or as it may be further amended, and may permit the declaration filed by Philadelphia to become effective or may take such other action as is deemed appropriate.

III. Step IV of the Standard Plan, as presently amended, provides that as soon as practicable after the determination and payment of the principal liabilities of Standard and Philadelphia, (a) Standard may dispose of the stock of Philadelphia, if such stock is then held by it, or the assets received upon any liquidation of Philadelphia, and distribute its remaining assets, other than assets set aside to satisfy its liabilities, in exchange for the common stock of Standard, whereupon Standard will be liquidated and dissolved or otherwise disposed of, or (b) Standard, if it then holds the stock of Philadelphia, may distribute, in exchange for the common stock of Standard, all of its assets other than assets so set aside and other than the stock of Philadelphia, and Standard may then be disposed of through the sale or exchange of its common stock. The procedure governing the liquidation and dissolution or other disposition of Standard and the exchange of its common stock will be supplied by subsequent amendments to the Standard Plan.

The various preliminary transactions relating to the liquidation of Philadelphia and Standard will be effected either pursuant to a separate order or orders of the Commission under the Standard Plan approving such transactions or one or more appropriate declarations, applications or separate plans under the applicable provisions of the Act. Standard states that to the extent any transaction to be carried out pursuant to Step III, as amended, or Step IV, as amended, may be inconsistent or in conflict with any order previously entered by the Commission, Standard will take appropriate steps to apply to the Commission for the modification of any such order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-6727; Filed, July 31, 1953; 8:45 a. m.]

[File Nos. 70-2980, 31-174]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ACQUISITION OF SECURITIES ALLOCABLE UNDER PLAN AND REQUEST FOR REVOCATION OF EXEMPTION ORDER AND FOR AN EXEMPTION ORDER

JULY 28, 1953.

General Electric Company ("General Electric") owns 307,005 shares (31.1 percent) of the common stock and 1,900 shares (3.9 percent) of Preferred Stock, $7 Dividend Series, and 5,200 shares (4.7 percent) of Preferred Stock, $6 Dividend Series, of New England Public Service Company ("NEPSCO"), a registered holding company. NEPSCO in turn formerly owned 42.33 percent of the common stock of Central Maine Power Company ("Central Maine"), 41.89 percent of the common stock of Public Service Company of New Hampshire ("New Hampshire") and 30.39 percent of the common stock of Central Vermont Public Service Corporation ("Central Vermont") all public utility companies. General Electric also owns indirectly more than 5 percent of the voting securities of certain public utility companies engaged in business solely in foreign countries, which securities were acquired from International General Electric Company, Inc., ("International General Electric"), upon the merger of that company with General Electric on July 31, 1952. The Commission, by order dated October 21, 1936, granted International General Electric an exemption as a holding company, pursuant to section 3 (a) (5) of the Public Utility Holding Company Act of 1935 ("act") (1 S. E. C. 810)

General Electric presently has an exemption, pursuant to the provisions of section 3 (a) (3) of the act, under which it is not required to register as a public utility holding company under said act by reason of its ownership of NEPSCO securities. This exemption was granted on the representation that General Electric would not dispose of its holdings of common stock of NEPSCO without Commission approval, until the Commission had approved a plan of reorganization of that company. This order has been extended from time to time.

On February 13, 1953, the Commission entered an order approving an Amended Plan for NEPSCO which provided for the distribution of its remaining assets to its preferred and common stockholders and for its liquidation and dissolution, and in said order reserved jurisdiction with respect to the distribution of NEPSCO's portfolio stocks to General Electric, pursuant to the terms of the plan, pending disposition of this pending application. On March 25, 1953, the United States District Court for the District of Maine, Southern Division, entered an order enforcing the Amended Plan. The Amended Plan was consummated on April 14, 1953, and NEPSCO's portfolio stocks were turned over to the Liquidation Trustee for distribution.

Notice is hereby given that General Electric has filed applications, and an amendment thereto, with this Commission, pursuant to the act, requesting an order (a) approving the acquisition of its distributive portion of NEPSCO's portfolio stocks in connection with the liquidation of NEPSCO, (b) revoking the exemption order of the Commission, dated June 29, 1948, which was issued pursuant to section 3 (a) (3) of the act, and (c) granting General Electric an exemption as a holding company pursuant to section 3 (a) (5) of the act. All interested persons are referred to said applications, as amended, which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to the terms of the Amended Plan for the Liquidation and Dissolution of NEPSCO, General Electric, by reason of its ownership of the common and preferred stocks of NEPSCO, will be entitled to receive 97,030.95 shares (3.89 percent) of the common stock of Central Maine, 45,690.45 shares (3.88 percent) of the common stock of New Hampshire and 20,730.20 shares (2.72 percent) of the common stock of Central Vermont. The Amended Plan further provides that, to the extent, if any, that NEPSCO's debts and liabilities, including fees and expenses, are less than the assets remaining after the distribution of portfolio stocks, the balance together with any cash from the sale of the unclaimed stock will be distributed, at the end of five years from the consummation date of the Amended Plan, pro rata to and among the holders of common stock of NEPSCO, who have surrendered their certificates.

It is represented that applicant at the present time does not own directly or indirectly 5 percent or more of the voting securities of any public utility company or holding company except its indirect ownership of certain voting securities in foreign public utility companies which are set forth below.

As a result of the merger of International General Electric with applicant, General Electric acquired and now holds 478,814 shares (18.14 percent) of the outstanding securities of Allgemeine Elektricitatss Gesellschaft ("AEG") a German company with offices in Berlin and Frankfurt, Germany. AEG is primarily engaged in the manufacture and sale of electrical apparatus, appliances and supplies, but does own a large investment portfolio consisting principally of securities of electrical and allied manufacturing concerns. Such portfolio also contains the voting securities of four public utility companies as indicated below:

Name of company	Number of shares	Percent owned directly by AEG	Percent owned indirectly by General Electric
Amperwerke Elektrizitats, located in Munich, Germany	15,033	50.11	0.00
Koblenzer Elektrizitatswerke und Verkehrs A. G., located in Koblenz, Germany	11,700	97.50	17.00
Koblenz Elektrizitatswerke Westerwald A. G., located in Hohn-Urdorf, Germany	472	40.02	8.35
Neckarwerke Elektrizitatsversorgungs A. G., located in Esslingen, Germany	15,033	50.11	0.00

It is represented that neither applicant, AEG nor any of the said above public utility companies do any business as a public utility company in the United States and that they have no properties located in the United States used for the transmission, generation, or distribution of electric energy for sale or of natural or manufactured gas. General Electric agrees that, in the event the Commission grants its application to acquire its distributive portion of NEPSCO's portfolio stocks, it will undertake to sell or otherwise dispose of such securities in an orderly manner within a period of one year from the date of any such order of the Commission without prejudice, however, to the right of the applicant to apply for additional time to dispose of such securities. Applicant further agrees that it will notify the Commission, at the end of each three months period following any such order of the Commission, of the nature of the efforts being employed by it to dispose of such securities and of the amount of such securities sold or otherwise disposed of during such period.

General Electric requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than August 10, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 10, 1953, said applications as filed, or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6736; Filed, July 31, 1953; 8:48 a. m.]

[File No. 70-3093]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER AUTHORIZING CAPITAL CONTRIBUTION AND LOANS BY PARENT TO SUBSIDIARY

JULY 28, 1953.

Columbia Gas System, Inc. ("Columbia") a registered holding company, and its wholly owned public utility subsidiary The Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b) 9, 10 and 12 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-45 thereunder, with respect to the following transactions:

Columbia proposes to supply Manufacturers with $6,600,000 of new money required by the latter in financing its 1953 construction program: (1) $3,000,000 as a cash capital contribution; and (2) $3,600,000 in loans to be made as required, but not later than March 31, 1954, and to be evidenced by promissory notes payable in equal annual installments over the period 1955 to 1979 inclusive, with interest payable semi-annually at the rate of 4 percent per annum or such lower rate as shall be not less than the cost of money to Columbia with respect to its next sale of debentures.

Due notice of said filing having been given as prescribed by Rule U-23, and the Commission not having received a request for a hearing with respect thereto nor ordered a hearing thereon; and

It appearing to the Commission that the issuance and sale of the installment notes by Manufacturers are solely for the purpose of financing the company's business and have been expressly authorized by the Public Utility Commission of Pennsylvania, in which State Manufacturers is organized and doing business; and

The Commission finding with respect to the joint application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith,

subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6733; Filed, July 31, 1953; 8:47 a. m.]

[File No. 70-3096]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN NATURAL GAS CO.

ORDER AUTHORIZING SALE OF COMMON STOCK, AND DECLARATION OF COMMON STOCK DIVIDEND, BY SUBSIDIARY TO PARENT COMPANY

JULY 28, 1953.

Wisconsin Electric Power Company ("Wisconsin Electric") a registered holding company and also an operating utility company, and its wholly-owned subsidiary Wisconsin Natural Gas Company ("Wisconsin Gas") a gas utility company, having heretofore filed with this Commission a joint application-declaration and an amendment thereto pursuant to sections 6 (a) 6 (b) 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-43 thereunder with respect to the issuance by Wisconsin Gas of 100,000 additional shares of its Common Stock, of the par value of $20 per share, 50,000 of such shares to be sold to Wisconsin Electric for $1,000,000 cash to provide funds for the purpose of financing the business of Wisconsin Gas, and the remaining 50,000 shares to be declared and delivered to Wisconsin Electric as a stock dividend, and

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and it appearing to the Commission that the issuance, sale and delivery of said securities as proposed have been expressly authorized by the Public Service Commission of Wisconsin, in which state both of said utility companies are organized and doing business; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6734; Filed, July 31, 1953; 8:47 a. m.]

[File No. 70-3105]

DUQUESNE LIGHT CO.

ORDER REGARDING ISSUE AND SALE TO BANK OF UNSECURED NOTES

JULY 28, 1953.

Duquesne Light Company ("Duquesne") a subsidiary of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company, which in turn is a subsidiary of Standard Power and Light Corporation, both of which are registered holding companies, having filed a declaration and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") in respect of the following transactions:

Duquesne proposes to issue and sell, from time to time during the period July 30 to September 30, 1953, at the principal amount thereof, to Mellon National Bank and Trust Company, an aggregate of $2,500,000 of unsecured notes, bearing interest at the prime rate prevailing on short-term bank borrowings at the date of the issuance of the respective notes, and maturing December 16, 1953. All or any part of such notes are to be prepayable at any time without penalty and the record does not disclose that any commitment fee is to be paid. The proceeds of the notes are to be used to pay a portion of the costs of Duquesne's 1953 construction program, estimated at $36,000,000. No fees and expenses, other than miscellaneous expenditures, estimated at $100, are to be paid in connection with the issue and sale of the notes.

The declaration also states that no State Commission and no other Federal Commission has jurisdiction in respect of the proposed issue and sale of notes.

Said declaration having been filed on July 7, 1953, an amendment thereto having been filed on July 10, 1953, notice of said filing having been given in the form and manner required by Rule U-23, promulgated under the act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing in respect of said declaration; and

The Commission observing no basis for adverse findings and finding that the applicable provisions of the act and the rules and regulations thereunder have been complied with, and deeming it appropriate in the public interest, and in the interest of investors and consumers, that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6728; Filed, July 31, 1953; 8:46 a. m.]

[File No. 70-3106]

OHIO VALLEY ELECTRIC CORP. AND INDIANA-KENTUCKY ELECTRIC CORP. ET AL.

ORDER PERMITTING ISSUE AND SALE OF FIRST MORTGAGE AND COLLATERAL TRUST BONDS, AND UNSECURED NOTES AND PRIVATE SALE THEREOF TO FINANCIAL INSTITUTIONS; INTERCOMPANY ISSUANCE AND ACQUISITION OF SECURITIES AND OTHER RELATED TRANSACTIONS TO FINANCE CONSTRUCTION OF FACILITIES TO SERVE AN ATOMIC ENERGY PLANT

JULY 27, 1953.

American Gas and Electric Company ("American Gas") a registered holding company, and three of its public utility subsidiaries, Appalachian Electric Power Company ("Appalachian"), The Ohio Power Company ("Ohio Power") and Indiana & Michigan Electric Company ("Indiana & Michigan") The West Penn Electric Company ("West Penn Electric") a registered holding company, and three of its public utility subsidiaries, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison"), and West Penn Power Company ("West Penn Power"), Ohio Edison Company ("Ohio Edison") a registered holding company, and its subsidiary, Pennsylvania Power Company ("Pennsylvania Power") and The Cincinnati Gas & Electric Company ("Cincinnati Gas"), a public utility company and an exempt holding company; Kentucky Utilities Company ("Kentucky") a public utility company and an exempt holding company; Louisville Gas and Electric Company ("Louisville") a public utility company and an exempt holding company; and Ohio Valley Electric Corporation ("Ohio Valley"), an exempt holding company, and its subsidiary Indiana-Kentucky Electric Corporation ("Indiana-Kentucky") have filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9, 10, 12 (f) and 12 (g) of the act and Rules U-50 and U-100 thereunder as being applicable to the several proposals now before us which relate to (1) the issuance and sale by Indiana-Kentucky of not in excess of $230,000,000 principal amount of First Mortgage Bonds and the acquisition thereof by Ohio Valley; (2) the issuance by Ohio Valley of not in excess of $360,000,000 principal amount of First Mortgage and Collateral Trust Bonds and the sale thereof to 39 institutional investors including 29 insurance companies, and the pledge of the Indiana-Kentucky bonds and stock by Ohio Valley as part security for its First Mortgage and Collateral Trust Bonds; (3) the issuance by Ohio Valley of not in excess of $60,000,000 principal amount of unsecured notes and the sale thereof to financial institutions including 12 banks; (4) the issuance by Ohio Valley of not in excess of $8,000,000 principal amount of "Subordinated Notes" and the acquisition thereof by several of the companies named above; and (5) the execution by the applicants-declarants of certain contracts and

agreements relating to the financing and operation of the project.

Said joint application-declaration, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the record in the matter and having filed this day its memorandum opinion herein and finding for the reasons set forth in said memorandum opinion that it is appropriate to grant the application and permit the declaration to become effective, and to grant the requested exemption from the competitive bidding requirements of Rule U-50:

It is ordered, Pursuant to Rule U-23 that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the proposed issuance and sale of bonds and notes be, and the same hereby is, exempted from the competitive bidding requirements of Rule U-50, and that the application pursuant to Rule U-100 (b) is granted, all subject to the terms and conditions prescribed in Rule U-24, and subject to the following additional conditions and reservations of jurisdiction:

(a) That this order and the memorandum opinion supporting it are made in the light of the present urgent problems of national defense which gave rise to the application-declaration; that the Commission therefore reserves jurisdiction to reopen these proceedings upon notice to the applicants-declarants and to reexamine its findings under section 10 when in its opinion such reexamination shall be appropriate; and that this order is without prejudice to any order which may be entered upon such reexamination;

(b) That upon the giving of such notice the applicants-declarants shall amend their joint application-declaration so as to bring before the Commission the facts as they then exist; that in such reopened proceedings the applicants-declarants shall not make any argument to the effect that the Commission, by making our findings in the present setting of urgent demands of national defense, has decided the issues under section 10 which may be presented in the reopened proceedings, but will nevertheless be free to present evidence and to make arguments with respect to the facts as they then exist; and that if the Commission after such further proceedings shall order any one or more of the applicants-declarants to dispose of its or their holdings of common stock of Ohio Valley or Indiana-Kentucky or the "Subordinated Notes" of Ohio Valley, such applicant-declarant or applicants-declarants will proceed forthwith to take such steps as may be appropriate to dispose of its or their holdings of such securities within such time and in such manner as shall be provided in the final order of the Commission, without prejudice to its or their right to seek review of such order.

(c) Jurisdiction is reserved to pass upon all fees and expenses, including legal fees, in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6729; Filed, July 31, 1953; 8:46 a. m.]

[File No. 70-3107]

OHIO POWER CO.

ORDER AUTHORIZING ADOPTION OF AMENDED ARTICLES OF INCORPORATION

JULY 28, 1953.

The Ohio Power Company ("Ohio"), a public utility company which is a subsidiary of American Gas and Electric Company, a registered holding company, having filed herein a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("the act") proposing to adopt Amended Articles of Incorporation which will include certain protective provisions for Ohio's Cumulative Preferred Stock, specifying the conditions under which may be issued any other class of stock ranking prior thereto or on a parity therewith, the conditions under which common stock dividends shall be restricted, and the conditions under which the preferred stockholders shall exercise voting rights; and

Due notice of the filing of said declaration having been given, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6735; Filed, July 31, 1953; 8:47 a. m.]

[File Nos. 70-3110, 70-3112]

INTERSTATE POWER CO. AND WISCONSIN POWER AND LIGHT CO.

NOTICE OF FILING BY NON-AFFILIATED HOLDING COMPANIES FOR AUTHORITY TO SELL AND ACQUIRE COMMON STOCKS OF A PUBLIC UTILITY COMPANY AND REQUEST FOR RECITALS REQUIRED BY SUPPLEMENT R AND SECTION 1808 (F) OF THE INTERNAL REVENUE CODE

JULY 28, 1953.

In the matter of Interstate Power Company, File No. 70-3112; Wisconsin Power and Light Company, File No. 70-3110.

Notice is hereby given that Interstate Power Company ("Delaware") a registered holding company has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and that Wisconsin Power and Light Company ("Wisconsin"), a non-affiliated exempt holding company, has also filed an application pursuant to said act, relating to the same matter. Applicants-declarants have designated sections 3 (a) 9, 11 and 12 of the act and Rule U-44 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 13, 1953 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 13, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Wisconsin proposes to purchase from Delaware and Delaware proposes to sell to Wisconsin as of April 30, 1953, pursuant to contract dated June 22, 1953, all the outstanding capital stock (16,274 shares) being all the outstanding securities of Interstate Power Company of Wisconsin (herein called "Interstate") a Wisconsin corporation and a utility subsidiary of Delaware. The agreed purchase price is $2,359,730, ($145 per share) subject to certain adjustments provided for in the contract, and is payable in cash on the closing date, which is to be within 30 days after all required regulatory commission approvals or authorizations are received. The seller is entitled to all net profits of Interstate earned during the period from April 30, 1953, to the closing date, such net profits being defined in the contract to be (a) the net worth (i. e., the sum of the par value of its outstanding common stock plus the surplus account as shown on its books) of Interstate as of the closing date; (b) less the net worth of Interstate as of April 30, 1953, ($1,991,892.49), (c) plus $11,147.13 (the book cost of major electric appliances in merchandise stock as of April 30, 1953) and (d) plus dividends declared by Interstate after April 30, 1953, and on or before the closing date. Interstate, a wholly owned subsidiary of Delaware, owns and operates electric utility prop-

erties in three counties in extreme southwestern Wisconsin. Its service area adjoins that of Wisconsin and its properties are interconnected with those of Wisconsin. It is a public utility as defined in the laws of Wisconsin and also a public utility as defined in the Federal Power Act. Wisconsin owns no stock or other interest of any kind in Delaware and no affiliation of any kind exists between them.

As soon as reasonably possible after the acquisition of the stock of Interstate, Wisconsin proposes to merge the properties and assets of Interstate, with those of Wisconsin, the sole purpose of the proposed purchase of the stock being the acquisition by Wisconsin of the properties of Interstate. The acquisition by Wisconsin of the physical and other assets of Interstate through merger or otherwise, will be subject to the jurisdiction of both the Public Service Commission of Wisconsin and the Federal Power Commission. Both of those commissions exercise jurisdiction over the accounting of Wisconsin, and the accounting entries to be made on the books of Wisconsin with respect to the acquisition of the property of Interstate will be in conformity with the orders of those commissions. Wisconsin requests that the order of this Commission contain no provisions as to the accounting with respect to the proposed purchase other than that it shall comply with the orders of the Federal Power Commission and the Public Service Commission of Wisconsin.

Upon the consummation of the proposed purchase of stock of Interstate, Wisconsin will be a holding company as defined in the act with respect to Interstate but for a very temporary period. Upon the acquisition of the stock of Interstate, Wisconsin will be predominantly (as it is now stated to be) a public utility company whose operations as such do not extend beyond the State of Wisconsin in which it is organized and a state contiguous thereto. Wisconsin makes application for exemption pursuant to section 3 (a) of the act from all provisions of the act applicable to holding companies which otherwise would be applicable to it upon its acquisition of the stock of Interstate.

The stock of Interstate is presently subject to the respective liens of the First Mortgage Indenture, as supplemented, of Delaware to The Chase National Bank of the City of New York and Carl E. Buckley, as Trustees, securing its outstanding First Mortgage Bonds, and of the Debenture Indenture of Delaware to Manufacturers Trust Company and Frederick E. Lober, as Trustees, securing its outstanding Debentures. It is anticipated that Delaware will pledge gross property additions under the above indentures in lieu of depositing with the Corporate Trustee under the First Mortgage Indenture any of the cash proceeds of the sale.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, other than the Public Service Commission of Wisconsin, which has jurisdiction over the acquisition by Wisconsin of the common stock of Interstate. An application is pending before that Commission for permission to acquire such stock.

Delaware states that its expenses to be incurred in connection with the proposed transactions will amount to $54,550, which includes cost of paid-up employee annuities estimated at $40,000 and legal fees of $4,500. Wisconsin estimates that its expenses will be only nominal.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6737; Filed, July 31, 1953; 8:48 a. m.]

[File No. 70-3114]

CONSOLIDATED NATURAL GAS COMPANY

NOTICE OF PROPOSED SALE OF CERTAIN GAS PROPERTIES BY SUBSIDIARY OF HOLDING COMPANY

JULY 28, 1953.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated") a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act") designating section 12 (d) of the act and Rule U-44 (a) thereunder as applicable to the proposed transaction, which is summarized as follows:

Hope Natural Gas Company ("Hope"), a wholly-owned subsidiary of Consolidated, and The Manufacturers Light and Heat Company ("Manufacturers"), a non-affiliate, are gas utility companies operating within the State of West Virginia.

Manufacturers is constructing an underground gas storage pool, to be known as its Victory Storage Field, comprising approximately 35,000 acres in Wetzel and Marshall counties, West Virginia, in order that it may have adequate reserves of natural gas for its customers in West Virginia and other states. Within the area of this storage pool Hope owns 8 operated leases, totaling 826½ acres, upon which are 9 operating wells and appurtenant facilities, 6 unoperated leases, and certain other gas rights and equipment, having an estimated total value of $277,816.

Hope has agreed to sell to Manufacturers its gas properties and facilities in said Victory Storage Field for a price approximating their estimated value, and the Public Service Commission of West Virginia has approved the transaction.

Consolidated, as the parent of Hope, proposes that Hope shall proceed to consummate said agreement, and it asks that the order entered herein shall be effective upon issuance. It states that Hope's only expenses will be the routine expenses incurred in presenting the matter to the State Commission and to this Commission.

Notice is further given that any interested person may, not later than August 12, 1953, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-6738; Filed, July 31, 1953; 8:48 a. m.]